55047

+ 2,500.

¶ *The expositions of the termes* of the lawes of Englande, with dyuers *proper rules and principles of the lawe, aswell* oute of the Bookes of master Littleton, as of other. Gathered both in French and English, for yong men verye necessarie, whereunto are added the olde tenures.

(::)

1575.

¶ In ædibus Richardi Tottel.

¶ *Cum priuilegio.*

ucis Bostock

ncis Bostock

ncis Bostock

¶ Prologus Iohannis Rastell.

Like as the vniuersall worlde can neuer haue his contynuance but onely by the order and lawe of nature, which compelleth euery thing to doe his kinde: so ther is no multitude of people in no Realme that can continue in vnitye and peace wythout theye bee thereto compelled by some good order and lawe, wherefore a good law obserued: causeth euer good people, and a good reasonable common lawe maketh a good common peace, & a common wealth among a great communalty of people, and one good gouernor whiche causeth one lawe to bee obserued among diuers & muche people, bryngeth dyuers & muche people to one good vnitye, but dyuers rulers & gouernors, & diuers orders and lawes one contrary to an other, and when that euery gouernour wil haue the lawe after his minde, bryngeth one multitude of people to variance & deuision, for as euerye man is variaunt from other in vysage, so theye bee variable in minde, and condicion, therefore one lawe & one gouernoure for one realme & for one people is most necessary. And also lacke of lawe causeth many wrongs to bee committed willingly. And lacke of knowledge of the lawe, causeth diuers wronges to be done by negligence, therfore, sith it is necessary to be had, & a vertuous & a good thing ergo to haue knowledge thereof is a necessarye vertuous & good thing, & that, that is vertuous good, is good for euery man to vse: ergo it follo it is a good thinge for euerye man to haue the ledge of the lawe. And sith that it is necess

euerye realme to haue a lawe reasonable & [illegible] to gouerne the great multitude of the people, ergo it is necessarye that the greate multitude of the people haue the knowledge of the same lawe, to the whyche they be bound, ergo it followeth that the lawe in euery realme shoulde be so published, declared, and written, in suche wise that the people so bounde to the same, might soone & shortly come to the knowledge therof, or els such a lawe, so kepte secretly in the knowledge of a fewe personnes, and from the knowledge of the great multitude, maye rather bee called a trap and a net to bringe the people to vexation and trouble, then a good order to bringe them to peace & quietnes. And forasmuche as the lawe of this Realme of Englande is ordeyned and deuised for the augmentacion of Justice, & for the quietnes of the people, & for the common wealth of the same: ergo it is conuenient that euerye one withym this realme bound to the same maye haue the knowledge thereof, & not reasonable that any such wayes shoulde bee had or vsed, whereby the people shoulde bee ignorant of the lawe, or shoulde bee exiled or restrayned from the knowledge therof. I therfore considering these forsayde causes, haue taken vppon me this little labour & study to declare & to expounde certayne obscure & darke termes concernynge the lawes of this Realme & the nature of certayne writtes for the helpe and erudicion of them that bee yong beginners, whiche intende to bee studentes of the lawe. For as the Philosopher saith. *Ignoratis terminis ignoratur et ars.* That is to saye. He that is ignorant of the termes of anye scyence, must needes bee ignorante of the science. But yet I haue not entered this, for that, that I thinke my selfe sufficient to expounde the as substancially as other deepe learned men can doe, but to thentent that some ease and grace of learninge maye come to yong studentes by

tes by reading of this same. And also I haue compiled and indited this litle worke, first in the frenche tong, as is vsed in the bookes of oure law, and after translated the same compilation in oure Englyshe tongue, to thentent that such yong studentes maye the sooner atteine to the knowledge of the frenche tongue, which knowledge so had, shalbee a greate helpe & furtherance vnto them, whan they shal study other workes of the law of more difficulty, as be the bookes of yeres, & termes, & other bookes which be written in the frenche tongue, whereby they shall come to the more knowledge of the lawe, whyche knowledge of the lawe so had, & the trewe execucion of the same lawe, shalbe greately to the augmentacion of the common wealth of this Realme, whyche the eternall God increase & preserue to his great honoure and glorye.

I HY ESV.

ABiuracio eſt lou vne que ad commis murder ou felonye fue al aſcune Eſgliſe ou auter lyeu priuiledge pour la ſauegard de ſa vye, & la deuaunt le Coroner fayt tyel confeſſion que puite fayre ſufficient enditement de felonye, donques le Coroner luy ferra de abiure la Realme & aſſygnera a luy a quel porte il alera & luy iura que il ne va hors del haut chymyn, & que il ne demurra a le porte (ſil puit auer bon paſſage) forſque vn floode & vn ebbe, & ſil ne puit auer paſſage, que il alera cheſcune ioure durant xl. iours in la mer a ſon genus, tyel felon que hors de

ABiuration is, where one that hathe committed murder or felony fleyeth to any Churche or other place priuiledged, for ſauegarde of his life, and there beefor the Coroner maketh ſuche confeſſion which may make a ſufficient indyctement of felony, then the Coroner ſhal make him to forſweare the realme, and ſhall aſſigne to hym too what porte he ſhal goe, & ſhal ſweare him that hee go not out of the hie way & that he ſhall not abyde at the port (if he may haue good paſſage) but one floode and an ebbe, and if he can not haue paſſage, that he ſhall goe euerye day duringe xl. daies into the ſea to his knees, but if ſuche a felon that abiureth, goe oute of the hyghe

hyghe Waye, and flyeth to another place, yf hee bee taken, hee shall bee brought beefore the iudge, & there shal haue iudgement to be hanged. But if he whiche so prayeth the priuiledge wyll not abiure, thā he shal haue the priuiledge for xl. daies, & euery man may geue him meat & drinke. But if any geue him sustenaunce after xl. daies, although it be his wyfe. such geeuing is felonye. Also he that doth abiure, shalbee delyuered from one constable to another and from one fraunches to another, till that hee come to his porte, and if the constable will not receiue hym, hee shalbee greuously amerced. Loke the othe in ỹ treatise de Abiuratione coronatorū.

la chemine & fue a auter lieu, si il soyte prise il serra amesne deuaūt le iudge, & la auera iudgement destre pendu. Mes sil que issint pria la pryuiledge ne voile abiure, donquesil auera la priuiledge pour xl. iours, & chescun puit luy donner vyande, mes si ascun donne luy viander apres xl. iours, mesque il soyte sa femme, tiel doñ est felony. Auxy cestuy que abiure serra delyuer per vne constable a lauter, de vne fraunches a lauter, tanque il vyen a son port, & sil ne voit luy receuoir il serra greuousement amercye.

Vide iuramentum tractatu de Abiuratione coronatorum.

Abatement in terre ou tenementes eſt quant home murruſt ſeiſie de aſcuns terres ou tenements, & vn eſtraunge q̄ nad droit ẽtra in le terre deuant leire. ceſt appel vn abatemẽt, mes ſi lheire entre primes, & leſtrãge entra ſur la poſſeſſion leire, donq̄ il eſt diſſeiſin al heir.

Abatemẽt de briefe ou plaint ẽ quãt aſcũ actiõ eſt port par brief ou plainte, & faute ſufficiẽt matter, ou le matter eſt non certaine allege. donq̄s le defendant priera que le briefe abatera.s. q̄ le pleintife comẽcera ſa ſuite nouelment, & portera vn auter brife ou plainte ſi il voile mes ſi le defendant

¶ Abatement in landes and tenementes is whẽ a man dieth ſeiſed of any landes, or tenements, & a ſtraunger which hathe no right entreth into the land before ỹ heire, this is called an abatement, but if ỹ heire enter firſt, and the ſtraunger enter vppon the poſſeſſion of ỹ heire, than it is a diſſeiſin to the heire.

¶ Abatement of a writte or plainte, is whan any actiõ is brought by writ or plaint: & there lacketh ſufficient matter, or els ỹ matter is not certaine alledged, thẽ the defendaũt ſhall praye that the writ ſhall abate, that is to ſay, that the plaintife ſhall begin his ſute a newe, & ſhall bringe an other writte or plaint if hee will. But if the defen-

fendant i any actiō plede a matter in barre, for to adnul ye accion for euer, hee shall not come after warde to plede in abatemēt of ye writ, but if after it appere in ye record, that there is some matter apparāt, for ye which the writte ought to be abated, then the defendāt or anye person as a frende to the courte, maye well plede & shewe ye in arrest of iudgemēt. Also these be thinges whiche shall abate a writ, ye is to say, misnamīg of ye plaintife or ye defendāt, or of ye place, variaūce betwēe ye writ & ye specialte or Recorde, vncertaintie in ye writ or declaraciō, death of ye plaintif or defēdant. And many other thingz, which would be to long at this time to write:

in ascun accion plede vne matter in Barre, pur a nuller le acciō a touts iours, il ne viendra ī apres a pled, in abatemēt de brief, mes si apres il appiert in le record que est ascun matter aparaunt pour q̄ le briefe doyt estre abatus, donq̄s le def. ou ascū auter person, vt amicus curiœ puyt bien plede & mōstre ceo in arest de iudgement. Auxi sōt diuers choses q̄ abatera vne briefe. s. misnom̄ del pl. ou def. ou de lyeu variaūce inter le brief & le especialty ou recorde, non certeintie in le briefe ou couut. mort del pl. ou def. & plusoures auters choses que serrōt pl⁹ longe a cest tēps pur escrier.

Ab'

Abbe eſt la ſufferain de meaſon de Relygion,& tiel ſufferayne in aſcun tiel meaſon ne ſerra charge p̄ act de ſon p̄deceſſour ſil ne ſoit per comen ſeale, ou per tiel choſe que vient al vſe de ſon meaſon. Auxy abbe ne ſerra charge pur le det ſon comoigne deuant ſon entre in religion,meſque le creditor ad de ceo vn eſpecialtie, ſinō que il auoit deuenus al vſe de meaſō, mes le executours de comoygn̄ ſerrōt charge de ceo.

Abrigemēt de plaint ou demaūde eſt quāt aſcū aſſiſe eſt port ou vn briefe de dower & le plaint.in aſſiſe fayt ſō plaīt ou le demaūdāt in brief de dower fait ſa demaūde de diers parcels de terre,

¶ Abbot is ỹ ſoueraigne of a houſe of religiō ſuch a ſoueraigne in any ſuch houſe ſhal not be charged by the act of his predeceſſour, if it be not by cōmō ſeale, or for ſuch thinges which cōmeth to ỹ vſe of his houſe. Alſo an abbot ſhal not be charged for ỹ debte of his moonk befor hiz ētre in religiō though ỹ creditour haue an eſpecialty therof, excepte ỹ it haue comē to ỹ vſe of his houſe, but the executours of ỹ moonke, ſhalbe charge therew̄.

Abzidgemēt of plainte or demaūde is when any aſſiſe is brought or writte of dower, & the plaintyfe in the Aſſiſe maketh hys plainte, or the demaundaunt in a writ of dower maketh her demaūde of diuers parcels of Land,

and

and the tenaunt pledeth nōtenure or iointenācy to parcel of the lande in abatemente of the write, than the plaintyfe or demandant maye abrydge his plainte or demaūd to that parcel, & shall praye that ẏ tenaunt shal aunswere to the remenaunt, ẏ cause is for that, that in such writtes the certeintie is not cōprehended in the write.

& le tenant plede nō tenure ou iointenancy al parcel del terre in abatement de brief donques le pleintyfe ou demaundant puyt abridge son pleint ou demaund a cel parcel & pryera que le tenant respondra al remanēt, & le cause est pour ceo que en tyels briefes la certeynetie nest compryse en le briefe.

¶ Accessorie is hee, that aydeth, assisteth, or comforteth anye man, ẏ hath done any murder or felony, wherof he hath knowledge, thā such an accessorye shalbe punished, and shal haue iudgemente of lyfe & member, as wel as ẏ principall, whiche dyd the felony. But suche an accessory shal neuer bee put to aunswere to that

Accessorie est celuy que eyde, assist ou cōfort ascun home que ad fait ascun murdur ou felonye dont il ad conusauns, donques tyel accessorye serra punishe, & auera iugement de vie & de mēber auxy biē come le principal que fist le felonye, mes tyel accessory ne serra iames mis a respōdre a ce-

ta'

tãque la principal soit cõuicte ou attaint ou soite vtlage de ceo, mais vn feme in tyel cas ne serra accessory pur le aider de son barõ, auxi si vn cõmãde lauter de faire felony et il le fait, si le cõmaũder ne soit present il est accessorye, mes sil soit present il est principal auxi bien come lauter que fist le fait, mes in Treason auxi bien les cõmaunders, come les assisters & receiters aps sont touts foits principalles.

Accõpt est vn briefe & gist lou bailife ou receiuer dascun Seignour ou auter home q̃ doit render accõpt ne voit son accõpt rẽder, dõques celuy a q̃ laccõpt doit este rẽd. uera cest brief. Et p

till the principall bee attaint or conuicte or bee outlawed there vppon, but a womã in such case shal not be accessorie for ỹ helping of her husbãd, also if one cõmaunde an other to do a felony and he doth it, if the cõmaũder be not pñt he is an accessory, but if he be pñt he is principal as well as the other that did the dede, but in treason, as wel the commaũders as ỹ assisters and receiters after bee alwayes principalles.

¶ Accompte is a writ & it lyeth where a baylife or a receiuer to any lord or other man, whyche ought to rẽder accompte wil not giue his accõpt, thẽ he to whõ ỹ accõpte, ought to be geuẽ shal haue this writ. And by the

statute

[illegible] of westm̄. ij.c. x. if ye accōptant be found in arrerage, the auditours which be assigned to him haue power to awarde him to prison there to abide tyll hee haue made gremēt to the party, but if the auditours will not allow reasonable expēce and costes, or yf theye charge him wᵗ mo resceites then theye oughte, then his next frend that will sue for him shal sue a writ of expte talis out of the chauncerie dyrecte to ye shyrife to take. iiij. mainpernours, to bring his bodye before the barons of the escheker at a certaine day, & to warne the lorde to appere there at a certain day.

lestatut de west. ij.ca x. si laccōptant soyte troue in arreragis les auditors q̄ soūt a luy assignes ount power de agarder luy a prison a la demurrer tāque il ad fait gree al party, mes si les auditours ne voillont allower resonable expēs et costage, ou sils chargeront luy oue plusours resceiptes q̄ ne duissent, donques son ꝓcheine amye q̄ voit suer pur luy, suera vn brief de ex ꝑte talis hors del chaūcerye directe al vic. de p̄ndre. iiij mainpnors de rēd. son corps deuaūt les barōs del escheker a certain iour et de garner le Seignior dappererla am̄ le iour.

¶ Accions reals be such actions where the de-

Acciōs reals sount tiels acciōs ou le demaundant

maũdaũt claime title a aſcũ terres, ou tenements, rent, ou comẽ in fee ſimple, fee taile ou a terme de vie.

Actions perſonels ſont tiels actions ou home claime det ou auters byens & chateux ou dámage pur eux, ou dammage, pour tort faire a ſon perſon.

Addicion eſt ceo q̃ eſt done a vn home ouſtre ſõ ꝓper noſm̃ & ſurnoſme. s. a monſtre de q̃l eſtate ou degree ou meſtier que il ſoyte, & de quel ville, hãlet, leu, et coũte, et tiels addiciõs fuerunt ordaine p̃ leſtatute, an. 1. H. 5. cap, 5. in actions ou ꝓces dutlagarye giſt q̃ vn ne ſerra greeue per lutlagarye lau-

maũdãt claimeth ſ[illegible] any landes or tenementes, rẽts, or comen in fee ſimple, fee tayle, or for terme of lyfe.

¶ Actions perſonels bee ſuch actions wher a mã claimeth debte or other goods or cattel, or dammage for them, or damages for wrong done to his perſon.

¶ Addicion is that, that is geeuen to a man ouer his ꝓper name & ſurname, that is to ſaye, to ſhew of what eſtate, degree, or craft that he is, and of what town, hamlet, place or Counte, and ſuch additions were ordeined by the ſtatute the firſt yere of Henry the. 5 cap. 5. in actions where ꝓces of vtlarie liethe ꝑ one ſhal not be greeued by vtlarye of another,

and

[illegible] the writs shal abate yf they [illegible]ue not such additiō if the playntif take exceptiō therto, but they shal not abate by ẏ office of the courte. Also Duke Marq̄s, Earle & knighte be none addiciōz but names of dignitie, whiche should haue bene geuen before the statute.

¶ Administratour is hee to whō the ordinary cōmitted thadministratiō of ẏ goods of a dead mā for defaut of an executor & action shall lie against him & for hym as for an executour, and he shalbe charged to ẏ value of the goods of ẏ dead mā & no further, if it bee not by his own false plee, or for that ẏ he hath wasted ẏ goodes of the dead, but if thadministratour die, his executoures bee not

ter & tiels briefs abaterōt sils ne ount tyels addicions si le pl' prist exceptiō a ceo, mes ils ne abateront per office de courte. Auxi duke, marques Counte, ou chiualler ne soūt pas additiōs mes nosmes de dignitie, queux duissont auer estre done deuāt le statute.

Administrator cē celuy a que lordinarie cōmit ladministratiō des biēs la mort pure le faut de executors, et actiō gist vers luy et pur lui cōe pur executor, et seracharge iusques al value des biens le mort et niēt ouster sil ne soit ꝑ sō faux plee ou pur ceo que il ad waste les bn̄s le mort. Mes si administrator deuy, ses executoures ne sont

Admini

Administrators, mes couient a lordinarye de commit nouel ad ministration, mes si vn estrãge q̃ nest administratour ne executour prist les biens le mort et ministr' de sõ tort demesne, il serra charge et sue cõe executour et nemye administratorin ascũ actiõ q̃ est port vers lui p ascũ creditour. Mes si lordinarie fait vn briefe ad colligẽdum bona defuncti, cestuy q̃ ad tiel letter nest administratour, mes laction gist vers lordinari auxibñ cõe sil prist les byens a sõ mayne demesme, ou par le maine dascun son seruant per ascũ auter commaundement.

Administratoures ... it behoueth the Ordinarye to commyt a newe administration, but if a straunger that is not administratour nor executoure take the goods of the dead and minister of his own wrõg, he shalbe charged & sued as an executour & not as administratour in any action ỹ is brought agaynst hym by any creditour. But if ỹ ordinary make a letter ad colligẽdũ bona defuncti, he ỹ hath suche a letter is not Administratour, but the actiõ lyethe against ỹ Ordinary, as well as if hee tooke the goods to his own hand, or by ỹ hãd of any of his seruaunts by any other commaundement.

Admesuremẽt de dower est vn brief, et

¶ Admesurement de dower is a writte, and it lyeth

it lieth where a Wo-
mā is endowed by an in
fant, or by a gardeine of
more than shee ought to
haue, ỹ heire in such case
shal haue this writ, by ỹ
which ỹ womā shalbe ad
mesured & ỹ heire resto-
red. But if one abate, ỹ
is to saye, enter after the
death of the husbande &
endow his wife of more
thē she ought to haue, the
heire shal not haue this
writ, but assise of mort-
dancester against ỹ wo-
mā, & if she pleade ỹ she
was endowed vt supra,
the heire shal shew how
shee was endowed by ỹ
abatour & that shee had
more then shee ought to
haue, and shall praye ỹ
hee maye bee restored to
the surplusage, & if it be
foūd, he shalbe restored.

¶ Admesuremēt de pas-

gist lou vn fēme est
endowe p vn enfaūt
ou p vn gardein, de
pluis que ne deuoyt
auer, lheire en tyel
case auera cest briefe
p quel la fēme serra
admesure & lheire
restore. Mes si vn a-
bate. s. vn q̄ naddroit
ētre apres le mort le
barron et endowe sa
feme de pluis q̄ doyt
auer lheir nauera cē
briefe, mes assise de
mortdauncester vers
la fēe, & si ele plede
que el fuit endow vt
supra, le heyr mon-
stra comente el fuit
endow per labatour
& que el ad pluisque
ne deuoit auer, et pri
er que il soyt restore
al surplusage, & si
soit troue il serra res-
tore.

Admesurement de

paſture eſt vn briefe & giſt lou pluſors tenants ont comen append' en auter terre, & lū ſurcharge la comē oue pluſors aūs, dōq; lauters cōmoñs poiēt auer ceſt briefe vers luy et auxy puit eē port p vn comoñ ſolem̄t, mes dōq; coniēt eē port vers toutes lauters comiñs et vers cēi q̄ ſurcharge pur ceo q̄ toutes les comiñs ſerrōt admeſures. Et ceſt brief ne gyſt vers luy ne pur lui q̄ ad cōen appurtenant ou comen en gros, mes ceux q̄ oūt cōen appēd' ou cōen p cauſe de viſinage. Vide la diuerſitie de touts ſes comēs aps. Auxi cē brief ne giſt pour le ſeigniour ne vers le ſeignior, mes le ſñr puit diſtraī les

ture is a writ . ty-
eth wher many tenants haue cōmen appendātin another groūd & one ouerchargethe the comen wō many beaſts. Then ỹ other cōmiñs may haue this writ againſt him, & alſo it maye bee brought by one cōmoner onely. But then it behoueth to be brought againſt al the other cominerz, & againſt him ỹ ſurcharged for ỹ that al the comiñs ſhalbe admeſured, & this writ lieth not againſt him nor for him ỹ hath comen appurtenant or comen in gros, but thē which haue cōmē appendāt, or cōen per cauſe de viſinage. Se ỹ diuerſity of al theſe cōmens afterward. Alſo, this writ lieth not for ỹ lord nor againſt the lord but ỹ lord may diſtrain ỹ

beaſtes

beasts of the tenant ẏ be surplusage. But if ẏ lord ouercharge ẏ cōmō, the comōer hath no remedy by the comō law, but he shall haue remedye by writ of Sub pena in the Chaūcery, as it is said.

¶ Age prier is when an actiō is brought against an infaunt of lands that hee hath by discent, there he shall shew the matter to the court, & shal pray that the actiō shall abide til his ful age of one and twenty yeres, and so by awarde of the court, the suit shal surcesse. But in a wrytte of Dower & in Assise, & also in suche actions wher the infāt cōmeth ī of his own wrōg he shal not haue his age.

Also note well, ẏ there be many diuersities of ages, for ẏ lord shall haue

aūs le tenant q̄ sount surplusage. Mes si le sñr surcharge le cōen le comiñ nad remedi ꝑ le comē ley, mes il aūa remedy ꝑ bryefe de Sub pena en le Chaūcerie vt dicitur

Age prier est, quāt actiō est port vers lē fant de terre, q̄ il ad per discent, la il mōstra la mater al court & priera que laction demurra tanq; a son plein age de xxi. ans, et issint per agard de court la suite surcessera, mes en brief de dower et en assise, & auxy en tiels actions ou lenfaunt vyent eyns de son tort demesne, il nauera sa age.

Auxi nota que sont plusoures diuersities de ages. Car le seigniour auera eyde de

son tenant en socage pour sa fyle marier quát le file le seignior est del age de vij. ans. Et auxi aide pur faire son fits et heire chiualer quaũt il est dage de septe ans. Auxy femme que est espouse al age de.ix. ans si sõ barron mur rust seisie aũa dower & nemy deuaunt.ix ans. Auxi xiiij.ans est lage de feme quel ne serra en garde si ele fuit de tiel age al tẽps de mort son auncestour, mes si ele fuit deins age de xiiij.ans & en gard sõ seigniour, donques el serra en gard táq; al age de xvi.ás, et auxi.xxi. ás est lage de heir male destre en gard et ap̃s hors de gard, et auxi il ẽ age de male et fe

aide of his t[illegible]at in socage for to marye hys doughter whẽ ẏ doughter of the lord is of thage of vij.yeares, & also aide for to make his sonne & heire knight, when he is of the age of seuẽ yeres. Also a woman which is maryed at the age of.ix. yeres, if her husband die seysed, shall haue dower & not before nine yeres. Also. xiiij.yeres is ẏ age of a womã that she shall not bee in warde if shee were of suche age at the time of ẏ death of her aũcester. But if shee were wẽin ẏ age of.xiiij. yeres & in ward of the lord, thẽ she shalbe in ward tyll ẏ age of xvi.yeares, & also xxi.yeres is the age of ẏ heire male to be in ward & after ẏ out of warde & also it is the age of male

and

& female to sue or to bee sued of lands which they haue or claime by discēt and to make al manner contracts and bargains, & not before. But if such an infante wīn ẏ age of xxi. yere geue his goods to me, yf I take them by force of the gift, hee shal haue against me an actiō of trespas, but if he geue thē to me, & deliuer them to me, it is otherwise.

male de suer ou destt' sue des terres q̄ ils oūt ou claimont ꝑ discēt, & de faire touts maners contracts et bargaynes, et nient deuaunt. Mes si tiel enfant deins age de xxi. ans dona ses byens a moy, si ieo les preign̄ ꝑ force del don̄ il aūa vers moy vn brief de Tresp̄, mes sil les don̄ a moy & eux delyuer a moy auterment est.

¶ Ad quod dampnum is a writ and looke for that afterwarde in the tytle Quale ius.

Ad quod dampnū est vn brief, et vide de ceo ap̄s, titulo, Quale ius.

¶ Adiornemēt is when anye court is dissolued & determined and assigned to be kepte again at another place or time.

Adiournement est quant ascun court est dissolue & determine & assigne destre gard arrere al auter lieu ou temps.

¶ Amendemēt is when errour is in the ꝓces the Iustice may amend it after iugemēt, but if error

Amendement est quāt error est en le ꝓces, les iustices poiēt c̄ amender ap̄s iudge-

ſit, mes ſi error ſoit en iudgemẽt done, ils ne poient ceo amender, mes le ptye eſt mis al brief derror, & en plusors caſes lou le def. appt en le clerke q̃ eſcriera le record, il ſerra amende.

Ayde eſt quaunt tenaunt a terme de vie, tenaunt en dower, tenaunt per la curteſy, ou tenant en taile, aps poſſibilitye diſſue extinct eſt implede don que pur ceo q̃ ils nont q̃ eſtate pur terme de vie, ils praiount ayde de ceſty en le reuerciõ & proces ſerra faite p briefe vers luy de vener & pleder oue le tenant en defence del terre ſil voile, mes il couient q̃ ils accorde en ple. car ſils vary le ple le teñt ſerra priſe, & donq̃s leide pryer

be in iudgemen[illegible]g. they maye not amend it, but the party is put to his writ of erroure, & in many caſes where ỹ defaut appereth in ỹ clerke that writeth the record, it ſhal be amended.

¶ Ayde is when tenante for terme of life, tenant in dower, tenant by curteſie, or tenant in ỹ taile, after poſſibilitye of iſſue extincte is impleded, then for that, ỹ they haue noe eſtate, but for terme of lyfe, they ſhal pray in aid of him in the reuerſion, & proces ſhal bee made by writ againſt him, to come & pleade with the tenante in the defence of the land if he wil, but it behoueth that they agree in plee, for if they vary, the plee of the tenãt ſhalbe taken and then the ayd prayer

is

is done, but if hee come not at the second writte, then the tenant shal aũswere sole. Also tenaunte for terme of yeares, tenant at will, tenaunt by Elegit, and tenaunte by statute marchaunt, shall haue ayd of him in the reuersion, & the seruaunt & bayllie of theire mayster when they haue doone any thing lawfully in the right of their maister.

¶ Ayde of the king is in like case as it is saide before of a comon person, & also in many other cases where ỹ king may haue lesse, how bee it ỹ the tenant be tenant in fee simple he shal haue aide, as if a rent be demanded against the kinges tenant which holdeth in chief, he shal haue aid, & so he shal not haue of a comẽ pson.

est en vain: mes sil ne vient al second briefe le tenaunt responde- ra sole. Auxi tenaunt a terme dans, tenant a volunte, tenant per Elegit, & tenaunt per statut marchant, aueront eyde de cesty en la reuersion, & le seruant & bayly de lour mayster quant ils ount fait ascune chose loial ment en le droit lour master.

Ayde de roy est en semble case come est dit deuant de comen pson, & auxy en plusours auters cases lou le roy puyt aũ perde coment q̃ le tenaunte soit tenant en fee simple il auera aide. Cõe si vn rent soit demãd vers tenaunt le roye, q̃ tient en chief il auera aide & issynt nauera de auter personne.

Auxy louyn citie ou borow ad vn ſe farm̃ del roy & aſcū choſe eſt demand vers aux que appertaine al fee ferme ils aueront ayd pour le perde le roy. Auxy home auera aide de roye en lyeu de voucher. Auxy le bayllife de roy, collec tours & pourueiours aueront aide de roye auxy byen come les offycers de auters per ſons.

Alſo where a citie or borough hath a fee ferm of the king & any thing bee demaunded againſte the which belongeth to ỹ fee ferme they ſhal haue aid for the loſſe of the king. Alſo a mā ſhal haue aid of the king in the ſteede of voucher. Alſo the kinges bayllife, the collector & purueor ſhal haue aid of the kinge as well as the officers of other perſons.

Ayle eſt vn briefe, et vide de ceo apres titulo coſinage.

Ayle is a writ, & looke therfore after in the title of coſinage.

Arreſt eſt quant vne eſt priſe & reſtrayne de ſon libertye. Auxy vn home ne ſerra arreſt pour det, treſpas, detinu ou auter cauſe de action: ſinon que il ſoyte per vertue de precept ou commaū dement hors de aſcū

Areſt is whē one is taken and reſtrained from his libertie. Alſo a man ſhall not bee areſted for debte, treſpas, detynue, or other cauſe of actyon, but if it bee by vertue of precepte or commaundement out of ſome court,

but

but .. treason, felonye or breaking of the kynges peace euery manne hathe authoritie to arreſt withoute warraunt or precepte, but when a manne ſhal bee arreſted for felony, it bee houeth that ſome felony be done and alſo that hee bee ſuſpected of the ſame felony and when anye manne ſhal bee arreſted for felonye he ſhall be broughte to the Gayle, there to abide til the nexte ſeſſions for to bee indicted, or for too bee deliuered by proclamation. But yf one bee arreſt by another for ſuſpitious of felonye and no felony bee done, then he may haue againſt him a writte of falſe impriſonment.

court, mes pour treaſon, felony, ou debruſer de peace le Roye, cheſcun home ad auc thoritye de arreſter ſauns garrant ou precept, mes quant home ſerra areſt pour felonye, il couient que aſcun felony ſoyt fayte, & auxi que il ſoyte ſuſpecte de meſme le felonye, & quaunt aſcun home eſt arreſt pour felonye il ſerra ameſna a le gaile la a demourrer tanque al prochein ſeſſion pour eſte indyte, ou pur eſte deliuer per proclamacion. Mes ſi vn ſoit arreſt per vn auter pur ſuſpicious de felonye, & nul felonye ſoite fait donq; il puit auer vers luy vn brief de faux impryſonment.

¶ Annuitie is a certaine

Annuitie eſt vn certaine

taine ſomme dargent que eſt graunt a vne home en fee ſimple, fee tayle, a terme de vie, ou a terme dans a prender del grauntour & ſes heires iſſint que nul franketenement eſt charge de ē, de que home nauera vnques aſſiſe ne auter accio̅ real forſq; brief de annuitie, & neſt aſcun aſſets al heyre le grauntee a q̄ il diſcendera.

ſumme of money which is graunted to a man in fee ſimple, fee tayle, for terme of life, or for terme of yeares, to take of the graunto̅r or his heires, ſo that noe free holde ys charged thereof wherof a mā ſhall neuer haue aſſyſe nor other actyon reall and it ys none aſſettes to the heire of the grantee to whom it ſhal deſcend.

Appel eſt lou vn ad fait murdure, robberye ou felonye, donques la feme ceſti qui eſt tue auera vne accyon de appel vers le murderer, mes ſil nad femme donque ſon procheine heyre qui eſt male auera le appel a aſcun tēps deyns lan & ioure apres le fait. Et auxy ceſti que

¶ Appeale is where one hath done murdure, robbery or felonye, then the wife of him that is ſlaine ſhall haue an action of appiale againſt the murderer: but if he haue noe wife, then his nexte heire, which is male, ſhall haue the appeale at anye tyme with in ỹ yeare & day after ỹ deede, & alſo he that

is

is so robbed, shall haue his appeale with in the same time: Also in appeale, yf the defendaunt be acquited he shal recouer dammages againste the appellour, & thabettors, and they shal haue thenprisonmēt of a yere & shal make fine to ye kīg

Also an appeale of mahē, is not in maner but an action of trespas, for hee shal not recouer but damages, but if he cast a protection it shal not bee allowed.

¶ Assets is whē a tenāt in ye taile, or a mā seised of certaine lād in ye right of his wife alieneth the land wt warranty & hath lād in fee siple which descēdeth to his heir whiche is also heir ī ye tail or heir to ye womā & is as much in valu as ye other land:

est issint robbe auera son appel deins mesme la temps. Auxi en appel si le def. soit acquite il recouera dammage vers lappellour & labbettours, & ils aueront lenprisonmēt dun an & ferront fine al roy.

Auxy vn appell de mayhem nest en manner forsque actyon de trespas quar il ne recouera forsque dammages: mes sil gyst vne protection il ne serra allowe.

Assets est quant tenaunt en le tayle ou home seise de certayn terre en droit sa feme aliē la terre oue garr' & ad terre en fee simple que descend a son heire q̄ est auxy heire en tayle ou heyre al feme & q̄ est tant en value qui lauter terre

en

en tyel cas si ascune tiel heires portount briefe de formedone ou briefe de sur cui in vita pur la terre issint alien dōq̄ il serra bar per reason de cel garrauntie. Pur ceo que il ad cest terre issint a luy descendus que est taunt en value, et pur ceo cestterre est dyt vn assetes. Auxi assets est quaunte home est oblige en ascun especialtie et murrust seysie de terres en fe simple que discend a son heire cest terre est appel assetes, pour ceo q̄ son heire serra charge de paier le dyt dette, si les executoures son aunceſtour nont ryēs de paier.

Assise est vn brief et gyst ou ascun home est mis hors de son terre ou tenementes

in such case if anye such heires bringe a writte of formedon, or a writte of sur Cui in vita for the lande to alyened, thē he shalbee barred by reason of this warrauntye for that, that hee hathe thys land so to him descended which is as much in value, & for that this lande is called an assettes. Also assettes is whenne a man is bounden in any especialtie and dyeth seysed of lands in fee simple which descendeth to his heire, this land is called assettes for that that hys heire shalbe charged for to paye the saide debte, if the executours of hys aūcestors haue nothing to paye.

¶ Assise is a writ and it lyethe where anye man is put out of his landes or tene-

or tenantes or if any profite to bee taken in a certain place & so disseysed of his free hold. Free holde to anye manne is wher he is seised of landes & tenements or profit to be taken in fee simple, fee taile, for term of his own life, or for term of another mannes life. But ỹ tenant by elegit, tenañt by statute marchaunt, & statute staple maye haue assise, how be it that they haue no free holde, & this is ordayned by diuers statutes.

ou de aſcun profit a prẽdre en certain lieu et iſſint diſſeiſie de ſon franktenement. Franktenement a aſcun home eſt lou il eſt ſeiſie de terres, ou tenements, ou profit a prẽder en fee ſimple, fee tayle, pour term de ſa vie demeſne, ou per terme dau ter vie, mes tenaunt per elegit, tenant per ſtatut marchaunt, & ſtatute ſtaple poient auer aſſiſe comt que ils noũt frankteñ, & ceſt eſt ordain perdi uers ſtatutes.

Also in an assise, it is needefull alwayes that there be one disseisour & one tenãt, or otherwise the writ shal abate. Also where a man is disseysed & recouerethe by assise of nouel disseysin, & afterward, is againe dis-

Auxi en aſſiſe il couient touts foites que il ſoit vn diſſeyſor et tenant ou autermẽt le brief abater. Auxi ou vn hõe eſt diſſeyſie et recouera per aſſiſe de nouel diſſeiſin et puis eſt auterfoits

diſſeiſie.

diſſeiſie par meſme le diſſeiſor il auera vers luy vn brief de rediſſeiſin direct al vicõt de fair inquiſicion et ſi troue ſoit le redyſſeiſin il ſerra mis en priſon. Auxi ſi home recouera briefe per aſſiſe de mortdãceſter ou par auter iurr' ou per defalt, ou red dicio & ſil ſoit auterfoits diſſeyſie il auera donques vn brief de poſt diſſeiſin, & ceſti qui eſt pris & im priſon pur rediſſeiſin ne ſerra deliuer ſaũs eſpecial commaũdement le roy, vide les eſtatuts inde Martõca. iij. Marlebridge. c 8. et w. 2. ca. 26. Auxy il eſt vn auter aſſyſe appell aſſiſe de freſh force, & giſt lou hõe eſt diſſeyſie de tenementes queux ſount

ſeiſed by the ſame diſſeiſor, he ſhal haue againſt him a writ of reddiſſeyſin directed to the ſhirif to make inquiſition, & yf the rediſſeiſin be foũd, he ſhalbe ſent to priſon. In like maner if a mã recouer by aſſiſe of mortdancеſter or by other Jure, or by defaut, or by reddicion & be another tyme diſſeiſed thẽ he ſhal haue a writ of poſt diſſeiſin, & he whych is taken & impriſoned for rediſſeyſin, ſhal not be deliuered wout ſpecial commaũdemẽt of the king. See the ſtatutes therof Mart. ca. 3. Marlebridge, capit. octauo, & Weſtmynſter 2. capit. 26. There is alſo one other aſſiſe called aſſiſe of freſh force, & lieth where a man is diſſeiſed of tenements which are

diuiſable

diuisable as in the Cyty of London or other boroughs or townes ẏ bee frãchises, thẽ ẏ def. shall come into ẏ court of the saide towne & enter hys plaint, & shal haue awrit directed to the Maire or baillifs &c. & vpon ẏ one iury shall pas in mañ of Assise of nouel disseisin. But it behoueth ẏ he do enter his pleinte within xl. daies as it is saide or otherwise he shalbe sent to the comõ law. And if the officers delay the executiõ, then the pl' shall haue another writte to haue execution, & a Sicut alias & a pluries &c.

¶ Assise of darrain p̃sẽtmẽt loke therof after in the title Quare impedit.

¶ Assise of mortdauncester. Looke thereof after in the title Cosinage.

diuisables cõe la city de Lõdres ou auters boroughs ou vill' q̃ est enfranchise, dõq̃s le def. viendra en la court de dit vill' et ẽtra sõ pleĩt, et aũa vn brief direct al Maire ou baillifs &c. & sur ceo passera vn iurye en manner dassise de nouel diss. mes il coui ẽt quil ẽtra sõ pleint deins. xl. iours vt dicitur: ou autermẽt il serra mis a le cõen leye. Et si les ministers delay execuc̃, dõq̃s le pl' aũa vn auter brief dauer execution, et Sicut alias & Pluries.

Assise de darrain p̃sentment. Vide de ceo ap̃s titulo Quare impedit.

Assise de Mortdauncester. Vide de c̃ ap̃s tit' Cosinage.

Attourne-

Attournement eſt, quaunt vn eſt tenãt pur terme de vie, & ceſtuy en la reuerſyon q̃ ad le fee ſimple graunta ſon droit et eſtate a vn auter dõque il couyent que le tenaũt pur terme de vie agree a ceo, & ceſt agreemẽt eſt appel atturnement, car ſi ceſty en le reuerſiõ graunte ſon eſtate et ſon droit a vn auter, ſi le tenant pur term de vye ne attourna, ryens paſſa per le graunt. Mes ſil ſoyt graunt per fine en court de recorde, il ſerra compell de attorñ. Et vide de ceo apres titulo Quid iuris clamat.

¶ Attournemente is, when one is tenaunt for terme of lyfe, and he in the reuerſion that hathe the fee ſimple graunteth his right and eſtate to another, then it behoueth ỳ tenant for term of life agree thereto, and thys agreement is called an atturnement, for if he in the reuerſion graũt his eſtate & his righte to another, if the tenaunt for term of life atturne not nothinge paſſeth by the graunt. But if it bee graũted by fine in court of recorde, hee ſhall bee compelled to attourne, and looke thereof after in the tytle Quid iuris clamat.

Attaint eſt vn brief et giſt lou fals verdit eſt done p xij. homes & iudgement done

¶ Attaynt is a wryt, & itlieth wher falſe verdit is geuẽ by twelue men, & iudgemẽt geuen ther-

on

on, ỹ the partye agaynst whom they haue passed, shall haue this writ agaynst the twelue men, & when they bee at issue, it shalbee tryed by. xxiij iurrors, & if the false verdit be founde, the xij. mē be attait, & thē the iudgement shalbee that theire medowes shalbee eyzed, their houses broke down their woods turned vp, & all their lands and tenemēts forfeited to ỹ king but if it passe agaynste him ỹ brought thattaint, he shalbe imprisoned, & greuously raunsomed at the kings will.

¶ Attaint also is when iudgemēt is geuē in treason or felony.

¶ Auncien demesne bee certein tenures which be holden of suche manours which were in the hands

sur ceo, donqs le partie vers que ils auoyent passa, auera ceste briefe vers les douze homes, & quaunt ils sount a issue, il serra trye per vynt quater iurrors, et si faux verdit soit troue, les, xij. iurrours sont attaynt & donqs le iudgement serra qui lour prees serrount arres, lour mesōs debrusés lour bois subuertis, et toutes lour terres et tenements forfaits al royе, mes sil passa enconter celuy qui port lattaīt, il serra imprisō & greuousemt raunsom al volunt le roy. Attaint auxi est quāt iudgement est doein treason ou felony.

Auncient demesne sont certeine tenures que sont tenus de tyels maners queux fue

ront en les maines de
seint Ed. la confessor
et les quix il fist escrier
en vn liuer apel Do-
mes daye, sub titulo
regis et touts les ter-
res ten⁹ del dit mañs
sont auncien demesñ
et les tenáts ne serrõt
implede hors del dit
mañ, & sils sõt ils poi-
ent mõstr' le matter
et abater le brief, mes
sils respond. al brief
et plede & iudgemẽt
done, donq; les terres
sont deue nus franke
fee a toutsiours. Auxi
touts tenáts en aun-
cié demesne sõt frãk
de toll pur touts cho
ses concernãt lour vi
and' & husbandry in
auncien demesne, et
pur les terres ils ne ser
ront mis ne impanell
sur ascun enqst. Vide
pluis de ceo apres ti-
tulo Monstrauerunt

of saint Edward the cõ-
fessour, & the whiche hee
made to bee written in a
booke called Domes day
sub titulo regis and all ỹ
landes holde of the saide
manours be auncien de-
meine, and the tenaunts
shal not be impleded out
of the sayde manour, & if
they bee, they may shew
the matter and abate the
writte, but if theye aun-
swere to the writte, and
iudgement geeuen, than
the lands become franke
fee for euer. Also the te-
naunttes in auncien de-
meine be free of tolle for
al things cõcernig their
sustenãce & husbandry in
aũcié demeine, & for such
landes they shal not bee
put nor impaneled vpon
anye inquesse. Looke
more thereof after in the
title Monstrauerunt.

Also

Also all the lands in auncien demesne i the kings handes be frank fee and pleadable at ỹ comẽ law.

¶ Audita q̃rela is a writ and it lieth where one is bounde in a statute merchaũt, statut staple, or recognisaunce, or iudgemẽt geuen against him, & his body in execution therevpõ, than if he haue a releas or other matter sufficient to bee discharged of execution, but hathe noe day in court to pleade it, than hee shall haue this writ against him ỹ hathe recouered, or against his executours.

Auxi toutes terres en aũcien demesne en la maine le seignior, sõt frank fee, et pledable al commen ley.

Audita querela est vn briefe, et gyst lou vn est oblige en vne statut marchãt, statut staple, ou recognisãce ou iudgement done vers luy et son corps in execution sur ceo, dõq; sil ad vne releas ou auter sufficiẽt mat ter deẽ discharge del execuc̃, mes nad iour de ceo pleder, dõq; il auera cest briefe vers cesti q̃ ad recouer ou vers ses executors.

¶ Auermẽt is wher a mã pleadeth a plee in abatemẽt of ỹ writ or barre of ỹ actiõ which he sayth he is redy to pue as ỹ court will award, this offer to pue his plee is called an auermẽt.

Auermẽt est, lou vn hõe plede vn plee en abatemẽt de briefe ou barre dactiõ, ql il dist il ẽ prist de ꝑuer cõe l' court voit agard, cẽ offer de ꝑuer sõ plee est appel vn auermẽt.

Auowrie est, lou vn prist distrispur rēt ou auter chose,& lauter sua Repleuin,dōques celui qui auoit prise, iustifiera en son plee pour quel cause le prist, et issynt auowa le prise et ceo est appel son auowrie.

Auowry is where one taketh a distresse for rent or other thing,and the other sueth repleuin, then he ỳ hath take it,shal iustify in his plee for what cause he tooke it, and so auowe the takinge and ỳ is called his auowry.

Alié est celuy de que le pier est nee, et il m̄ auxi nee hors del leigeaunce nostre seignour le roye. Mes si vn alien vient et demurre en Engleterre q̄ nest del enemies de roy & icy ad issue,cē issue nē aliē mes Angloys. Auxi si vn Angloys ala ouster le meere oue licence le roy,et la adissues,cest issue nest alien.

Alien is hee of whom the father is borne, & hee him selfe also borne oute of ỳ legeance of our lord the king, but if an alyen come & dwel in England which is not of ỳ kinges enemies, & here hath issu this issue is not alien but English, also if an ēlysh mā go ouer ỳ sea w̄ the kings licēce & there hath issue, this issue is not aliē.

Appropriation est lou vn meason de religion.s. vn abbe ou auter soueraign & le

Appropriatiō is where an house of religion, ỳ is to say, an Abbot, or other soueraigne, and the conēt haue the adowsō

of

of anye ꝑsonage & obteine licence of the Pope & of the Ordinarye that it shalbee from thencefoꝛth a Vycarage, and that the vicar shall haue certein poꝛcion of the benefice, and that the Abbot & the Couent shalbee ꝑsons and shall haue other pꝛoffites, this is called appꝛopꝛiatiō, & then the Abbot and Couent shall bee persons in persons. But suche appꝛopꝛiation maye not bee made to begyn in ỹ lyfe of ỹ person without his assent. But if such auowson of ỹ personage be recouered by aūcient tytle, then the appꝛopꝛiation is adnulled.

¶ Auowson is, where any man and hys heires hath right to pꝛesent his clerke to the ordinary to

couent ount vne auowson de ascun ꝑsonage & obtayne lycence del Pape & del Ordinary, que il serra de lors vn vycarage, & que le vycar auera vne certeine porcyon del benefice, et que labbe & la couent serront persons & aueront les auters ꝓfites ceſt appel vn appropriatyon, & donques labbe & le couent serront persones in persones, mes tyel appropriacion ne puit estre fait a cōmence: en la vie la persone sauns son assent. Mes si tyel aduowson del personage soit recouer per aūcien tytle, dōꝯ lappropriation est adnul.

Aduowson est, lou ascun home et ses heyres ad droit de presenter son clerke al ordi-

nary aſcune benefice de ſeint Eſglyſe quãt il eſt voide, dõcq celuy qui ad le droit, eſt appel patrõ, mes nul lay homm puit auer aduow ſon daſcun vicarage.

any benefice of holy churche when it is voyd, then he that hath ſuch ryght, is called patron, but noe lay men maye haue the bowſon of a vycarage.

Barre eſt quaunt le defendaunt en aſcun accion plede vn plee que eſt ſufficient reſpons & ceo adnul laccion de pleintife a touts iours.

¶ Barre is when the defendaunt in any actiõ pleadeth a plee which is a ſufficient aunſwere, and ꝑ diſtroyeth the action of ꝑ plaintife for euer.

Battel eſt vn tryell per combater q̃ ſerra inter deux perſons & ceſt triel puyt eſte in briefe de droite & in appel de murdure ou felonye. Mes ſi vne ſoit indite de felonye et puis la parte porte appelle ſur lendyctement, donques la defendaunt ne gagera battaile.

¶ Battell is a tryall by fightinge, which ſhalbee betwene. ij. perſons, and this tryall maye bee in a writte of right, and in appel of murdur or felony. But if one be indicted of felony, and after the parte bringeth an appel vpon the indictment, than the defendaunt ſhall not wage battaile.

Baſtarde eſt celuy que eſt nee daſcũ feñ

¶ Baſtarde is he that is borne of anye woman

not

not maried, ỹ hys father is not knowen by the order of the lawe, & therfore he is called the childe of ỹ people. But by the lawe of holy church, if one get a childe vpon a woman and is borne out of wedlok, & after he mary ỹ same woman, then suche a child shalbe said mulier, & not bastarde. But by ỹ law of England it is bastard: & for ỹ when suche special bastardy is alledged, it shalbe tried by the coũtrey & not by ỹ bishop But general bastardy alleged shalbe tried by the certificat of the bishop.

¶ Also if a woman bee great wt̃ child wt̃ her husband, & her husband dieth and she take an other husband, and after the childe is borne, than the childe shal bee sayde the childe

nient espouse & que son pere nest conus p order del ley, & pour ceo il est dyt filius populi, mes per la ley de seint Esglise si vn engender vn infante sur ascun feme & est nee hors del espousels & puis il marye ñ la fem̃ donques tiel infaunte serra dit mulier & nemy bastarde mes per le ley Dengleterre il est bastard, & pur ceo quaunt tiel especyall bastardye est alledge il serra trye p pays & nemye p leuesq̃ mes general bastardye serra trie per certificatiõ del eueſq̃.

Auxy si vn feme soyt grose de infaunt oue son baron & le baron deux et el pryst auter baron et apres lenfãt est nee donques lenfant serra dit lenfant

le primer baron. Mes ſi el fuyt pryuement inſent al temps del mort ſon primier baron, donques il ſerra dit lenfant le ſeconde baron.

Auxy ſi vn home prēt feme que ſoyt groſement inſent oue aſcū auter que ne fuyt ſon baron et puis lenfant eſt nee deis les eſpouſels donques il ſerra dit lenfaunt le baron meſq; il fuit nee forſque vn iour apres les eſpouſels ſolempnes.

Burglary eſt quant vn debruſer & entra en le meaſon vne auter en le nuicte a lentent pur embleier biens en quel caſe meſque il ne importa ryens vncore il eſt felony, et pour ceo il ſerra pendu, mes le debruſer de meaſon en

of the firſt huſband. But if ſhe were p̄tiuly wyth childe at the time of the death of her firſt huſbād, thā he ſhalbe ſaid ẏ child of the ſecond huſband.

Alſo if a manne take a wyfe which is greate w̄ chylde with an other that was not her huſbande & after the chylde ys borne w̄in the eſpouſels then he ſhalbe ſaide the childe of the huſbande, thoughe it were borne but one day after the eſpouſels ſolempniſed.

¶ Burglarye is when one breaketh & entrethe into another mans houſe in the night to the entent to ſteal goods, in wheych caſe though hee beare away nothing, yet it is felonye. And for that hee ſhalbee hanged, but the breakinge of an houſe

in

in the daye, for suche intentes is no felony.

¶ Capias, looke for that after in the Tytle Proces.

¶ Champertye ys a writ and it lyeth where ij. men be impledinge & one gyueth the halfe or parte of the thing in plee to a straunger for to maītayne him agaynste the other, then the partye greyued shall haue thys writ against ẏ stranger.

¶ Charge is where a man graunteth rent goyng out of any grounde, & that if the rente bee behinde that it shalbe lawful to him and his heires & assignes to distraine til the rent be paide. Thys is called a rente charge, but if one graunt a rent charge out of the land of another & after purchase

le iour pour tyel entent nest point felonye.

Capias, vide de ceo apres en la tytle proces.

Champertie est vn briefe, & gist lou ij. homes sont impledantes & lun done la moity ou part del chose in plee a vne estraunge pour luy maynteiner encounter lauter donques le partye greue auera cē briefe deuers lestrange.

Charge est lou vne home graunta rent issant hors del ascū terre & que si le rent soit arere que il lyst a luy & ses heyres ou assignes a distraine tanque le rent soyt paye, cest appel vn rent charge mes si vn graunt vne rent charge hors del terre vn auter & puis

pur

purchaſe m̃ le terre le grant eſt voide.

Ceſſauit eſt vn brief & giſt lou mon very tenaunt que tyent de moy certaine terre ou tenements rendaunte certein rent per an & le rent eſt arrere nyēt paya per ij. ans & nul ſufficient diſtres puyt eſte troue ſur le terre dōq; ieo auerer cē br' p que ieo recouera le terre, mes ſi le tenant vint in court deuante iugem̃t done & rend' le arrerag. & les dam̃ et troue ſuerty q̄ il ne ceſſera plus de paimēt de dit rent ieo ſerra compel de prēder les arrerag. & les dam̃ et dōq; le tenant ne perdera le terre. Auxy le heir ne puit mainteyner cel br' pur ceſſer fait en temps ſon aun ceſtour, auxy cē brief

Lande, the graunte ys voyde.

¶ Ceſſauit is a wrytte & it lieth where my very tenant which holdethe of me certaine landes and tenements yelding certeine rent by the yeare & the rente is behinde not payde by ij. yeares & noe ſufficient diſtres may bee founde vppon the lande, thā I ſhal recouer ẏ lād, but if the tenant cōe into ẏ court befoze ẏ iugemēt giuē & tend the arrerages and the damages & finde ſuertye ẏ he ſhal ceſſe no moze in paymēt of ẏ ſaid rent I ſhalbe cōpelled to take the arrerages & the dammages and then the tenaunt ſhall not loſe the lande. Alſo the heire may not mainteine this wrīt foz the ceſſer made in the time of hys aunceſtour: alſo

also this writ lyethe not but for annuel seruice as rent and suche other and not for homage & fealty.

¶ There is also another writ called cessauit de cãtaria, and it lieth wher a mã giueth lãd to an house of Religion to find for his soule and his auncestours and his heires yerely a lamp in the church or to saye deuyne seruice or some other thing, thẽ if the saide charge be not done in iij. yeres, then ỹ donour or his heires shal haue a writ against who soeuer is in that house after such cessure.

¶ Challenge is where Iurours appeere for to trie any issue, if anye of the parties suppose that they are not indifferent, then theye maye them Challenge and refuse.

ne gist mes pur ãnuel seruice cõe rent et huismodi & nyent pas pur homage & fealty

Auxi il y ad vn auter briefe appel Cessauit de cantaria et gyst ou vne done terres a vn meason de religiõ a trouer pur lalme de luy & de ses aũcestors et de ses heirs annuelmẽt vn chaundel. lãp in esgl' ou pur faire ascũ deuine seruice ou auter chose dõqs si les dits charges ne sount pas fait per iij. ans dõques le donour ou ses heires auera cest brs vers quecũqs que est eins apres tiel cesser. Challeng est lou iurours apperõt pur trier ascun issue si ascun des pties supposont q̃ ils ne sont pas indifferent donqs ils poyent eux chalẽge et refuse

Mes

Mes ſont diuers chal-
lenges, vne eſt chal.
lenge al array et lau-
ter a le polles. Chal-
lenge al array eſt quant
la panel eſt fauoura-
blement fait par le vi-
cont ou auter officer
Challenge par le po-
lis, aſcuns ſount pryn-
cipal, et aſcun p cauſe
Principall eſt come
adire que vn des iur-
rours eſt le fits, frere
ou cooſine al pleintif
ou def. ou tenaunt a
luy, ou que il auoit eſ-
pouſe la file le plein-
tife, et pur ceux cau-
ſes il ſerra retrait.
Auxy in plee de mort
de home & en cheſ-
cune action reall &
auxi in cheſcun perſo
nel ſi le dette ou dam
mages amount a xl.
marke il eſt bon chal
lenge que il ne puyt
diſpender xl.s. per an

But there be dyuers
challenges, one ys chal-
lenge to the arraye, and
the other to the polles.
Challenge to tharray is
when the panel is fauo-
rably made by the ſhirife
or other officer. Chal-
lenge by the poles, ſome
are principall, and ſome
by cauſe. Principall is
as to ſaye that one of the
Iurours is the ſonne,
brother, or coſine to the
pleintife, or defendant,
or tenant to him, or ẏ hee
hath eſpouſed the daugh-
ter of the pleintif, and for
thoſe cauſes hee ſhalbee
wꝛawen. Alſo in a plee
of ẏ death of a man, & in
euery other action reall,
& alſo in euery perſonell,
if the debt or dãmages a
mount to xl. markes it is
a good challenge that he
cannot diſpender l.s. by
the

the yere of free holde.

Also challenge by cause, is as where the party dothe alledge a matter whiche is noe principall challenge, as to say that the sonne of one of the Jurrours hath espoused the daughter of the plein tife, then he shal cõclude & therefore he is so fauorable, then it shalbe tryed by others of thequest if he be fauourable or in different, and if they say that he is fauorable and not indifferent, then he shalbee drawen oute, otherwyse hee shall bee sworne. Also a felon that is arraigned, maye challenge xxxb. iurrours par emptorye without anye cause, and as many as he will with cause, but then it shalbe tryed if for such cause he be indifferent or not.

de franktenement.

Auxi chalenge per cause, est come ou le party allege vn matter que nest principall challenge come adire que le fites vne des iurroures ad espouse la file le pl' dõques il cõcludera, & pur ceo il est issint fauourable donq; il serra trye per auter del enquest si soit fauourable ou indifferent, & si ils dionr que est fauourable & nemy indifferent donques il serra tret, autermẽt il serra iure. Auxi vn felon que est arraine, puit challenge xxxv. iurrours paremptory sauns ascun cause & taunt que il voil ouo cause, mes donques il serra trye si pur tyel cause il soit indifferẽt ou nemy.

Cer-

Cerciorare est vne briefe et gist lou vne est impled'en vn base court que est de Recorde, & il suppose q̃ il ne puyt auer egall iustice la dõques sur vn bill en la Chauncerye comprisant ascun matter in conscience, il auera cest briefe pour remouer tout le recorde en la Chancery, & la deste determyne per conscience, mes sil ne ꝓua son bill, donques lauter parte auera vn briefe de Procedendo a demaunder la recorde en la basse courte, & la deste determine. Auxi il gyst en plusoures auters cases pour remouer recordes pour le roy come inditements & auters.

Certificatio Assisę

¶ Cerciorare is a wryt and it lyethe where one is impleaded in a base court, that is of record & he supposeth that he may not haue egaliustice ther then vppon a byll in the Chauncery comprisinge some matter of cõsciẽce, he shall haue this writte to remoue al the recorde into the Chauncery, and there to bee determyned by conscience, but yf hee proue not his bill, then ẏ other partye shall haue a writ of Procedendo to sende againe the Record into the base court, and there to bee determined. Also it lyeth in many other cases for to remoue Recordes for the Kynge as inditementes and other.

¶ Certification of assise

ſiſe of nouel diſſeyſin is a writ, and lyeth where the Bayliffe of the tenãt pleadeth no wronge &c. & loſe there by the Aſſiſe, then if the tenant haue a releaſſe or other writing to pleade, hee ſhall haue this writ, & the firſt turrours ſhalbee warned to appeare before the Iuſtices and parties alſo, then if it may be founde that the releaſſe, or the writings are true and good, hee that recouered in the aſſiſe ſhall yelde double damages, & ſhall loſe the lande.

noue diſſeiſine, eſt vn bryefe & giſt lou le bayllyffe le tenaunt plede nul tort &c. & parde par laſſiſe, donques ſi le tenaunt ad vne releaſe ou auter eſcript a pleder il auera ceſt briefe & les prymyers iurroures ſerrount garnes dapperer deuaunt les iuſtices & parties auxy, donques ſi puit eſte troue que la releaſe ou leſcryptes ſount voier & bones, celuy qui recoueroit in laſſiſe, rendra damages en double, & perdra la terre.

¶ Chymin is the hye waye where euery man goethe, whiche is called via Regia, but the kyng hathe noe other thynge there, but the paſſage for hym and hys people,

Chimen eſt le haut voye ou cheſcũ hõe paſſa, q̃ eſt appell via Regia, mes le Roye nad auter choſe la, forſq; le paſſage pour luy & pur ſõ people,

mes le franktenemēt demurt en le ſeigny-our del ſoile & touts les profites creſſaunt la c[illegible]ne arbres & au-[illegible]boſes.

Conſuetudinibus & ſeruicijs eſt vne briefe, et giſt lou ieo ou mes aunceſtoures depuys la limitatyon de aſſi.ne fuimus ſeiſi des cuſtomes ou ſeruices mon tenaunt. Mes deuant dōques pur recouer les ſeruices, ieo auer cē brief. Auxile tenaunt puit auer ceſt briefe vers ſon ſeigniour, mes apres que le tenaunt ad count le ſeygnior defend' les motes del count et repliant dira, que il ne diſtreignē pur les cuſtoms dont le count eſt, & donques il countera tout le coūt des cuſtōes &

but the free holde abydeth in the Lorde of the ſople, and all the profyte growing there, as trees and other thinges.

¶ Cuſtome and ſeruices is a writ, and lyethe where I for myne aunceſtoures after the limitacion of aſſiſe, were not ſeiſed of the cuſtomes or ſeruices of my tenaunt, but before then for to recouer the ſeruices I ſhal haue this writ. Alſo the tenaunt maye haue this writ againſte his Lorde but after that the tenant hathe declared, the Lord ſhall defend the wordes of the declaration, and replying ſhal ſaye, that he diſtreyned not for the cuſtomes wherof the declaration is, and then he ſhall declare all the declaration of cuſtomes &

ſeruí-

seruices, and then the tenaũt who was plaintife, shal become defendaunt, and shall defende by battayl or great assise.

¶ Continual clayme is where a man hath ryght to enter in certayne landes wher an other is seised in fee syple or fee tail and hee dare not enter for feare of beating, but approcheth as nighe as hee dare, and maketh clayme thereto wtin the yere and day before hys death, if he that hath the landes dye seysed, & hys heire in by discente, yet hee that maketh suche claime may enter vpon the heire, notwithstanding suche discente, for that hee hath made suche continuall clayme, but it beehouethe that suche

seruices, & dõques le tenaũt que fuit actor deuiendra def. & defendra per batayl ou graund assise.

Continuall claime est, lou hõe ad droyt dẽtre en certain terre dount vn auter est seisye en fee simple ou fee taile, & il ne osast entre pur dout le baterye, mes approche auxi pres come il osast, & faite claime a ceo deins lan & iour deuant le mort, si cestuy qui ad la Terre deuy seisi, & sõ heire eins per dyscent, vncore cestuy que fait tiel claime puit enter sur lheire, nient contristeant tiel discent, pur ceo que il ad fait tiel continual claime, mes il conuient q̃ cest

claime toutsfoits soit fait deins lan & iour deuaũt le mort le tenaũt, car si le tenant morruſt seyſie deyns lan & iour apres tiel claiñ fait & vncore il noſaſt enter, donq; il couient a ceſty qui ad tiel droit de faire auter clayme deyns lan & iour apres le primer clayme, & apres tyel ſecounde claiñ de fair le tierce claiñ deins lã & iour ſi il voet eſte ſuer de ſauer ſon entre, mes ſi vn diſſeiſor deuie ſeiſie deines lan & iour aps le diſſeiſin & nul claiñ fait, donq; lentre le diſſeiſi eſt toll, car lan & le iour ne ſerra pryſe de temps de tytle Dentre a lui accrue, mes taunt ſo-

claime alwaye bee made within the yeare and the daye before the deathe of the tenant, for if ſuche a tenaut die ſeiſed within a yeare and a daye after ſuch claim made and yet he dare not enter, than it behouethe him that hath ſuche ryghte to make an other claime within the yeare and daye after the firſte claime, & after ſuch a ſecond claime, to make the thirde clayme within the yeare and daye, if he wilbe ſure to ſaue his entre, but if a diſſeyſor dye ſeiſed wiñ the yere & day after the diſſeiſiñ, and no claime made, thã ỹ entre of the diſſeiſee is taken away, for ỹ yere and daye ſhall not bee taken from the tyme of the tytle of the entre to him growẽ,

but onely from the tyme of the firste clayme by hym made as is afore sayde.

¶ Conusaunce of plee is a priuiledge that anie citye or towne hathe of the kynges graunte to holde plee of all contracts, and of landes, within the precinct of the fraunches, & whē any man is impleaded for anye suche thing in the Courte of Westminster, the maior and bailliffes of suche fraunches may aske conusance of the plee, that is to say, that the plee and the matter shalbe pleaded & determined before them. Also conusaunce lyethe not in prescription, but it behouethe to shewe the kynges letters.

lement de temps del primer claime pur lui fait come est auaunt dit.

Conusaunce de plee est vn priuilege que ascun city ou vil ad del graunt le roy de tener plee de toutes contractes, & des terres deines le precinct del franches & quaunt ascun home est implede pur ascū tiel chose en le court de roye. que les mairres ou bailifes de tyel fraunches poyent demaunder conusance del plee. s. que le plee & le matt' serra pled' & determine deuant eux. Auxy conusance ne gist en prescription, mes ilz couyent mōstre letters le roy.

Conspiracy est vn brief, et gist lou deux ou plusoures que sen tailerent per seremēt couenaunt, ou auter manner aliaunce que chescun aidera auter pur inditer ou appel lar ascun home de fe lony, donques celuy qui est per tiel maner endite ou appel, auera cest brief, mes cest briefe ne gist vers lēditours.

¶ Conspiracye is a writ, and it lyeth where two, or more that knytte themselues together by oth, couenāt or other maner of aliaunce, that euery one shall helpe other for to endycte or to appel any man of felonye, and hee that is by suche maner endicted or appelled, shall haue this wryt, but this wrytte liethe not against the indictours.

Collusiō est lou vn action est porte vers vne auter per son agreement demesne, si le pleintife recouer, tiel recouerye est dit per collusion.

¶ Collusion is, where an action is broughte agaynste another by his owne agreemente, if the plaintife recouer, than suche recouerye is called by collusion.

Comen est le droyt que home ad de mitter ses beastes a pasture, ou de vser & occupier le terre q̄ nest son proper sole.

¶ Commen is the ryght that a mā hath to put his beastes to pasture, or to vse & to occupy the groūd that is not hys owne.

Also

Also ther bee diuers comens, that is to saye cõmen in grosse, commen appendaunte, cõmen appurtenaunt, and commẽ because of neighbourhod Commen appendaunte is where a man is seised of certaine lande too the which he hathe commen in anothers grounde all they that shal bee seysed of that land shall haue the sayde commen withe all manner of Beastes, whithe compasseth hys land, except geese, gotes, and hogges. Comen in grosse is, where I by my deede graũte to an other that he shal haue cõmen in my lande. Commen appurtenaunt ys in the same maner as commen appendant, but it is bi al manner of beastes.

Auxy sont diuers comens. s. comen in grose, comen appendaunt, & comen appurtenaunt, & comẽ per cause de vysinage Comen appendaunte est lou home est seysie de certeyne terre, a que il ad comen in auter soyle & toutes ceux que serrount seisye del dyt terre auerount le dyt commen ouesque toutes bestes que compost. sa terre excepte oysons, chyuers, & porceaux. Comen in grosse est lou ieo per mon fayt granta a vn auter que il auera comen in ma terre. Comen adpurtenãt est in mesme le maner cõe comen appẽdant mes est ouesq touts mañs des auers.

Comen per cause de visinage est lou les tenants de deux seigñs que sount seysies de deux villes dont lun gist pris lauter & chescun de eux ount vse de temps dount memorye ne court de auer comen en auter ville ouesque toutes beastes cominable.

¶Commen by cause of neighebourhode is wher the tenantes of two lordes, whiche bee seised of two townes where one lieth nighe another, and euery of them haue vsed from the time, whereof no mynde renneth to haue comen in the other towne, with all manner of beastes comonable.

Confirmacion est quaunt vn fait vn fait a vne auter ouesque cestes pols ratificasse, approbasse, & confirmasse & en ascun case vne fait de confirmac̄ serra bone & auayable lou vne releas ne serra auaylable come si ieo fait lesse a vne pour terme de sa vye le quel lessa la terre a vn auter pur terme de xl. ans, & ieo cōfirme

¶Confirmacion is whē one maketh a deede too an other with these wordes, ratificasse, approbasse, & confirmasse. And in some case a deed of cōfirmation shall bee good and auayleable where a releasse shall not bee auayleable, as yf I make a lease to one for terme of his life, who leaseth ȳ land to another for term of xl. yeres, & I confirme the

the state of the tenant for terme of yeares, & after ỹ tenant for terme of lyfe, modieth during the terme of xl. yeres, this cõfirmatiõ shalbee good to hym during that yeres, but in suche case yf I release to the tenaunt for terme of yeares my release is voide because there is noe priuitye betwene mee and hym. And ỹ same maner is if I bee disseised, & the disseisoure maketh a leasse for terme of yeares, yf I release to the termor thys ys voyde: but yf I confirme to him his estate, this is good to him & effectual. Also if I be disseised & I cõfirme ỹ estate of ỹ disseisor wout other woordes, as to say to him for terme of life or i fee &c. yet he hath by my

leſtate le tenãt a termẽ dans & puis le tenant pur terme de vie morust duraunt le terme de xl. ans ceſt confirmatyon ſerra bone a luy durãt les ans, mes en tyel caſe ſi ieo releaſe al tenant a termẽ dans mon releaſe eſt voide, pur ceo q̃ neſt priuitye inter moy & luy. Et meſme le mañ eſt ſi ieo ſoy diſſeiſye & le diſſeiſour fait vn leas pur terme dãs, ſi ieo releſſa al termour ceo eſt voide, mes ſi ieo confirme a luy ſõ eſtate, ceo eſt bone a luy, & effectual, auxy ſi ieo ſoye dyſſeiſie & ieo confirme leſtate le diſſeiſor ſans aut' pols cõe adire a luy pour term de vie ou en fee &c. vnc̃ il ad per mõ

confirmacion droitel eſtate in fee ſimple pur ceo q̄ le diſſeiſor auoit fee ſiple, al tēps de confirmacion, car cheſcun diſſeiſour ad fee ſimple meſq̄ que il neſt droitel. Auxy ſi ieo leſſe terr' a vn pur terme de ſa vie, & ieo confirme ſon eſtate a aū & tener ſon eſtate a luy & ſes heires ceſt confirmacion quant a ſes heires eſt voide. Mes ſi ieo dire a auer & tener meſmes les terres a luy & ſes heires ceſt confirmacion donera a luy vne fee ſimple pur ceo q̄ ces parols va a le terre & nemy a leſtate & pur ceo il eſt bon en cheſcun fait de confirmacion dauer les pols a auer & teñ les terres.

confirmacion a rightfull eſtate in fee ſimple, beecauſe that the diſſeyſour hath fee ſimple at the tyme of the confirmation, for euery diſſeiſour hathe fee ſimple although it be not rightfull. Alſo yf I leaſſe lande to one for terme of hys life, and I confirme his eſtate to haue and holde hys eſtate to him and his heires, this confirmation as too hys heires is voyde, but if I ſaye to haue añ holde ẏ ſame land to hym & hys heires, this confirmacion ſhal geeue to hym a fee ſimple, becauſe that theſe wordes go to the lande, & not to the ſtate, & therfor it is good in euerye deede of confirmacion to haue thoſe wordes to haue and hold the landes.

Conter-

¶Conterplee is where one bringethe an action and the tenaunte in hys aunswere and plee vouchethe or calleth for anye man to warraunt his title or prayeth in ayde of an other, whiche hathe better estate then he, as of him that is in the reuersion, or if one that is a straunger to the action, come and praye to be receyued to saue his estate, if the demaundant reply therto, and shewe cause that hee oughte not such one to bouche, or that he oughte not of suche one to haue ayde, or that suche one oughte not too bee receyued, this plee is called a counterplee.

Counterplee est lou vn port vn actyon & le tenaunt en son respons & plee vouche, ou appel pour aſcune home pour garraunt son tytle ou payer ayde de auter que ad meliour estate come de cesty en la reuersion ou si vn estraunge al actyon vyent & prayera deste reſceu de sauer son estate si le demaunde replye a ceo & mõstre cause que il ne doyte tyel home voucher ou que il ne doyt de tiel home eyde auer, ou que tyel home ne doit este reſceu cest plee est appel vn counterplee.

¶Consultacion, looke thereforе after in the

Consultacion vide de ceo apres tytulo pro

prohibition.

Contributione facienda, eſt vn briefe & giſt lou ſount diuers parceners & celuy q̄ ad launcyent parte fait tout le ſuit al ſeignior les auters doient fayre contribution a luy & ſils ne vollont il auer vers eux le dit briefe.

Contract eſt vn bargen'ou couenant per enter ij. parties ou aſcū choſe eſt done pur auter q̄ eſt appel quid pro quo, car ſi vn hōe fait promyſe a moy q̄ ieo auera xx.s. & que il voit eſte det a moy de ceo & puis ieo demaunde le xx.s. & il ne voile a moy delyuer vncore ieo naueria iammis actyon pur recouer ceſt xx.s. pur

title of prohibition.

¶ Contributione facienda is a writte, and lyethe where there are diuers parceners, and he which hathe the auncient parte doth make all the ſuite to the Lord, the other ought to make contribution to hym, and yf theye wyll not, hee ſhall haue agaynſte them the ſayde writte.

¶ Contract is a bargayn or couenaunt beetwene two parties, where one thinge is geeuen for another, whiche is called quid pro quo, for if a man make promiſe to me that I ſhal haue xx.s. & that he will bee debtour to mee thereof, and after I aſke the xx.s. and hee will not deliuer it, yet I ſhall neuer haue no actyon

for

for to recover this xx.s. for that that this promise was no contracte but a bare promise. Et ex nudo pacto non oritur actio: but if anye thynge were geuē for the xx.s. though it were not but to the value of a peny, thēit was a good contracte.

¶Contra formam feoffamentis a wrytte, and it lyethe where a manne before the statute of quia emptores terrarum infeuth an other by deed to doe certaine seruice, yf the feffoure or his heires distraine hym to doe other seruice than is comprised in the deede, than the tenaunte shal haue thys writte, commaundinge hym that hee distraine not him to doe other seruyce that is not

ceo que ceſt promyſe ne fuit contracte, mes nudus pactus. Et ex nudo pacto non oritur actio, mes ſi aſcun choſe fuit done pour le xx.s. meſque il ne fuit forſque al value de vn denier, donq̄ il fuit bon contract.

Contra formam feoffamenti eſt vne briefe & giſt lou vne home deuaunte leſtatute de quia emptores terrarum infeoffe auter per fait de faire certeyne ſeruyce ſi le feoffour ou ſes heires diſtraine luy de faire auter ſeruyce que eſt compriſe en le faite, donq̄ le tenant auera ceſt briefe luy commaundant q̄ il ne diſtraine luy de faire auter ſeruice q̄ neſt cō-

priſe

priſe deins le fait, mes ceſt briefe ne giſt pur le plaintife que claim̃ per pourchaſe, mes pour le plaintife, que claime come heire al primier feffe.

Contra formā collationis eſt vn bryefe & giſt lou home don terres en perpetuall almoigne a aſcū meaſon de religion come a vne abbe & la couent ou auter ſouereigne, & ſon couent de trouer certein power homes ou de fair auter certeine deuine ſeruice ſils alyen les terres donques le donour ou ſes heires, auerōt le dyt brief pur recouer le terre mes ceſt briefe ſerra touts foits port vers labbe ou ſon ſucceſſour &

priſed within the deede, but this writte lyeth not for the plaintife whyche claimeth by purchaſe, but for the plaintife whyche claymeth as heyre to the firſt feffe.

¶ Contra formam collationis is a writ, and it lieth wher a man geueth landes in perpetuall almes to any houſe of Religion, as to an abbot, & to the couent or other ſouerayne, and his couent to finde certayne poore men, or to doe other deuine ſeruice, if they alye the landes, then the donoure or his heires ſhall haue the ſayde writte for to recouer the lande, but thys writte ſhal bee alwaye brought againſte the abbot or hys ſucceſſour and not againſt the

alye

aliene, although that hee bee tenaunt, but in all other actions where a mã demaundeth freeholde, ỹ writ shalbee brought against the tenant of the land.

¶ Cosinage is a writ, & it lieth where my greate graũdfather, my graũd fathers graundfather or other cosine dieth seysed in fee simple, and a straũger abatethe, that is to saye, enterethe into the Landes, then I shall haue against hym thys writte, or agaynste hys heire or hys aliene, or against whatsoeuer that cometh after to the saide landes, but if my graũdfather die seised, and a straunger abateth, than I shall haue a writte of Ayle, but if my father, mother,

nemy vers alyen coment que il soyt tenaunt, mes en toutes autets actyons lou home demand frãktenement, le brief serra port vers le tenant del terre.

Cosinage est vne briefe & gist lou mõ besaiel, tresaile, ou auter cosin deuie seysie in fee simple, & vn estraunge abata. s. entre en les terres donques ieo auera vers luy cest briefe, ou deuers son heire ou son alyen, ou deuers quecunque que aueigne apres a les dytes terres, mes si mon ayel deuye seysie, & vne estraunge abate, donques ieo auera vne briefe de Ayel, mes si mon pere, meere, freere,

frere, sore, vncle, ou aunt, de uye seisie & vne estraunge abata, dōques ieo auera vn Assise de mortdauncester.

Couenaunt est agreement fait parenter. ij. personnes, lou chescun deux est tenus al auter de perfourmer certeine couenauntes pour son parte. Auxy il est vn briefe de Couenant, & gist lou couenant est fayt paréter deux per indētures enseales, et lun deux ne tient pas couenāt, mes infreint, donques celuy qui se sent greue, auera le dit brief. Et nota, que nul brief de couenant serra main tenable sauns especialtie, sinon in la citie

mother, brother, sister, vncle or aunt, die seised of a straunger abateth, thā I shal haue assise of mort dauncester.

¶ Couenaunt is agreement made betweene. ij. personnes where euerye of them is bounden to the other to perfourme certayne couenauntes for his parte. Also there is a writ of ¶ couenaunt, and it liethe where couenant is made betwene two by indentures vnsealed, & the one of them holdethe not his couenāt but breaketh it, than hee whiche thereof feeleth himselfe greeued shall haue this writ. And note well, that no writ or couenant shal bee mayntenable without especialty, but in the Cytie of London, or in other

other suche place priuileged, by the custome and vse.

¶ Cui in vita is a wryt and it lieth wher a man is seysed of Landes in fee simple or fee tayle, or for terme of lyfe in the righte of his wyfe, and alienethe the same lande and dyeth, then hee shall haue the saide wrytte for to recouer the Lande. And note well that in thys wrytte hee shall make tytle yf it bee of the purchace of the woman, or of the heritage of the woman. But yf the husbande aliene the righte of his wyfe, and the husbād and the wyfe dyethe, the wyues heire maye haue a wrytte of Sur cui in vita.

de Loundres ou en auter tiel lieu priuylege per la custōe & vse.

Cui in vita est vne briefe, & gyst lou home est seisi des terres in fee simple, ou fee tayle, ou a terme de vye in droit sa fée & alié mesme le terre & deuye, donques ele auera le dit briefe pour recouer le terre Et nota que en cest bryefe il fra tytle si soyt de pourchace la femme ou del herytage le femme. Mes si le Baron alyen le droyt sa femme, & le baron & la femme deuyount, le heyre la femme auera vne briefe de Sur cui in vita.

Cui

Cui ante deuorcium eſt vn brief & giſt en ſemble maner quant tiel alienacion eſt fait per le baron, et puys deuorce eſt ewe inter eux donques la femme auera cē brief & le briefe dirra, cui ipſe ante deuorcium contradicere non potuit.

Curteſie Dengleterre eſt, lou hōe prēt feme ſeiſie in fee ſimple, ou en fee tayle general, ou ſeiſie cōe heire de la taile eſpeciall, & ad iſſue per la feme male ou female ſoit liſſue apres mort ou en vie, ſi la feme deuie, le baron tyendra la terre durant ſa vie per la ley Dengleterre, & eſt appell tenant per le curteſy den-

¶ Cui ante deuorcium is a writ, and it lieth in like maner, when ſuche alienation is made by the huſband, & after deuorce is had betweene them, thē the womā ſhall haue this writ, and the writ ſhall ſay, to whom ſhe before the deuorce myghte not withſay.

¶ Curteſie of England is, where a man taketh a wyfe ſeiſed in fee ſimple, or in fee tayle generall, or ſeyſed as heire of the tayle eſpecial, and hathe iſſue by the wyfe, male or female, be it iſſu after dead, or in life, yf the wife dye, the huſbāde ſhall holde the lande during his life, by the lawe of England, and it is called tenant by the curteſy

of

of Englãt, because that this is not vsed in noe other realme but onely in England. And some say that he shal not bee tenãt by the curtesye, vnlesse ỹ the childe which he hath by hys wife, bee hearde crye, for by the cry is the proofe that the child was borne.

¶ Darrain presentment looke therefore after in the tytle Quare impedit.

Dengleterre, pur ceo q̃ ceo nest vse en nul auter roialm̃ forsque tantsolement en Engleterre. Et asc̃us dit q̃ il ne serra tenant p̃ le curtesy, sinon que lenfant que il ad per sa femme, soyte oye cry, car per le cry est le proofe que lenfant fuit nee.

Darraine presentment, vide ceo aptes titulo Quare impedit.

¶ Deuyse is where a manne in his testament geeuethe or bequeaueth hys goodes or hys landes to another after hys decease. But if a manne be sole seysed of landes in his demsne as of fee, & deuise ỹ lands by testamẽt, this deuise is voide,

Deuyse est, lou vn home en son testam̃t don̄ ou grãta ses biens ou ses terres a vn auter aps son decease Mes si home soit sole seysi des terres en sõ demesn̄ come de fee, & diuisa les terres per son testament, cest deuise est voyde, sinon

que les terres sont en vn City ou borough lou terres sont deuisable per custõe mes si aſcun ſoit feoffe al vſe de vn auter et ſes heires, & ceſty a que vſe il eſt ſeiſie fait de uiſe de ſes terres, ceſt deuiſe eſt bone, meſ q̃ il ne ſoit en villou terres ſoite diuiſible. Auxi ſi aſcun hõe deuiſa terre en Cytye, vil, ou borough deuiſable, & le deuyſour deuie, ſi ſon heire ou aſcun auter abate en les terres, donque le deuiſe auera brief de Exgraui q̃rela, mes ceſt brief ne ſerra iãmes pled' deuaunt le iuſtice le roy, mes touſtes foites deuaunt le maire ou les bailif en le dit ville. Auxy ſi hõe deuiſa biẽs a vn

but if the landes bee in a cytie or borought where landes bee deuysable by custome, but if any man be feoffee to ỳ vse of another and his heir es. and he to whose vse hee is so seised make deuise of his lands, this deuise is good thoughe it bee not in a towne where landes bee deuisable. Also if any mã deuyse landes in Citie towne or borough deuisable, and the deuysoure dyeth, if his heire or any other abate in the lands thẽ the deuisee shall haue a writ de Er graui querela, but this writ shall neuer bee pleaded before the kinges iustice but alwais before the maior or bailifs in ỳ same towne. Also if a mã deuise goods to another & maketh his

execu-

executors & other, & the executour will not deliuer the goods to the deuisee, ỹ deuisee hath no remedy by ỹ cõmen lawe in the kings court, but it behoueth hym to haue a cytacion against the executours of ỹ testator, to appere before ỹ Ordinarye to shew why he persoumeth not the will of the testatour. Also, yf a man deuyse all hys landes & tenements that he hath, a reuersyon passethe by these wordes, tenements Also yf landes bee deuised to a man to haue to him for euermore, or to haue to hi & his assignes, in these .ij. cases ỹ deuisee shal haue a fee siple. But if it be geuẽ by feoffement in such mañ hee hath but an estate for term of life.

auter & fait ses executors et deuise, et les executours ne voil deliuer les biens a le deuisé, le deuisé nad remedy p̃ le cõen lei en court le roi, mes il conuient de aũ citacion vers les executors le testator dapperer deuãt lordinary de mõstre pur quoy il ne p̃form̃ le volũte le testator. Auxi si hõe deuisa touts ses terres et teñts q̃ il ad, vn reuersiõ passa p̃ ses parolz teñtes. Auxy si terres sont deuise a vn hõe a auer a luy imppetuum, ou a auer a lui et a ses assignes: en ceux deux cases le deuyse auera fee simple, mes si soite doñ per feoffement en tiel maner il nad forsq̃ estat pur terme de vie.

Denizin eſt lou alien deuient le ſubiect le roy & obteyne les letters patents le roy pur enioyer touts priuileges come yn hõe engleis, mes ſi vn ſoit fait denizin il payera cuſtões, & diuers autres choſes come alyens, come appiert per diuers ſtatuts de ceo faites.

Decies tantum eſt vn briefe, & giſt lou vne iurrour en aſcun enqueſt pryſt argent dun partye ou dauter, pur doñ ſon verdit, donques il payera. x. foits a tant que il ad reſceiue. Et cheſcun que voile ſuer auera la action & auera lune moytye, & le Roye lauter moytye mes ſi le roye en tyel caſe releas per ſon

¶ Denizin is where an alyen beecommethe the kynges ſubiecte and obteynethe the kinges letters pattentes for to enioye all priuileges as an Engliſhe manne, but if one bee made denyzen, he ſhal pay cuſtoms & diuers other thynges as alyes, as it appereth by diuers ſtatuts therof made

¶ Decies tantum is a writte, and lieth where a iurroure in anye inqueſt taketh money of the one part or other for to geue hys verdicte, then hee ſhall paye tenne tymes as muche as hee hath receyued, and euerye one that will ſue maye haue the action & ſhal haue the one half & the king the other half. But if the king in ſuche caſe releaſe by his

hys pardonne to suche a iurrour, yet it shall bee noe barre againste hym that bringeth the action, but that he shall recouer the other halfe if hys action be commenced beefore the pardonne of the kinge, but if the pardone bee before anye action, it is a barre agaynste all men. And the same lawe is of all other actions populers where one partye is to the kinge, and the other to the partye that sueth. Also the inbracers whiche procure suche inquestes shall bee punyshed in the same maner, And theye shal haue the prysonment of a yeare, but noe Justice shal enquire thereof of offyce, but onelye at the suyt of the partye.

perdone a tyel iurror vnc̃ il ne serra barre vers cestuy que porte laction, mes que il recouera lauter moitye, si son action soit commence deuaunt le pardon le roye, mes si le perdon soit deuaunte ascũ action, il est barre encoũter touts gents, & mesme le leye est de touts accyons populers lou vne parte est al roye, & lauter al party que suera. Auxy les inbracers qui procurent, tyels inquest serrount punye en mesme le maner & ils auerounte prysonment de vn an mes nul Iustyce enquerount de ceo de offyce, mes solement al suyte del partye.

Departer est lou vn home plede vn ple en barre & le plaintife replie a ceo & il apres en son reioynd' plede ou mõstre auter matter contrary a son primer ple en barre, ceo est appel vn departer de son barre.

Det est vn brief & gist lou ascun somm̃ dargent est dewe a vn p reason dacoõpt, bargaine, contracte, oblygation ou auter especialtye a paier a ascun certaine ioure, a quel iour il nest paye donque il auera cest briefe, mes si ascune som̃ dargẽt soit dewe a ascun seigniour per son tenant pur ascun rent seruice le seygniour pour ceo nauera iammes action de det mes il couient toutes

¶ Departer is where a manne pledeth a plee in barre and the plaintife replieth thereto, and he after in his reioinder pleadeth or sheweth an other matter contrarye to his first plee, ẏ is called a departer from his barre.

¶ Debt is a writ and it lieth where any somme of moneye is due to a man by reason of accompte, bargaine, contracte, obligation, or other especialtie to be paide at a certaine day, at the whiche day hee payeth not, then hee shall haue this writ, but yf anye somme of moneye bee dewe to anye lorde by his tenaunt for anye rente seruice, the lorde shal neuer haue action of debte. But he beehoouethe all waye to distraine

distraine but for rente charge or rente secke hee maye haue a good action of debt, and also for ȳ arrerages of rent reserued vpon a leas for terme of yeares, & in these cases it is at his election to haue an action of debt or for to distrain, but yf the leasse bee determined then hee shal not distrayne after for that rent. But he behoueth to haue an actyon of debt for ȳ arrerages.

Diem clausit extremū is a writte and it lyethe where the kings tenant that holdeth in chyefe dieth, then this writ shalbe directe to the escheatour to enquire of what estate hee was seised and whoe is nert heire, & of the certaintie of ȳ lād, & of what value the land is.

foits distrain, mes pur rente charge ou rent seck home auera bon action de det et auxy pur arrerages de rent reserue sur vne leasse pur terme dans & en ceux cases il est a son election dauer action de dette ou pour distraine, mes si leasse soyt determine donques il ne dystreynera apres pur cel rent mes couiēt dauū vn accō de det pur les arrerages.

Diem clausit extremum est vne briefe & gist lou le tenant le roy q̄ tient en chief morruſt donque cest briefe serra direct al escheatour dequerer de quel estate il fuyt seisie, que est procheyne heire, & de la certaintye del terre, & de q̄l value le terre est.

Diſclaim eſt lou le ſeignour diſtrain ſon tenaunt & il ſewa repleuin & le ſeignoure auowa le priſe per reſon que il tient de luy ſi le tenaunt dyt que il diſclayma de tener de luy, ceſt appel vne diſclaime & ſi le ſeignioure ſur ceo porte briefe de droit ſur diſclaime ſi ſoyte troue encounter le tenant il ꝑdera le terre.

¶ Diſclaimer is where the Lorde dyſtrainethe his tenaunt and hee ſueth, repleuyn and the lord auoweth the taking by reaſon that he holdeth of him, if the tenamt ſay that hee diſclaimethe to holde of him, this is called a diſclaime, and if the lorde thereuppon bringe a writ of righte ſur dyſclaimer if it bee found againſt the tenant, he ſhal loſe the land.

Diſſeiſor eſt celuy q̃ miſt aſcun home hors de ſone terre ſans order de leye. & diſſeyſi eſt celuy q̃ eſt iſſint mis de hors.

¶ Dyſſeyſoure is hee whyche puttethe anye manne oute of his lande without order of the law & diſſeiſie is hee that is ſo put out.

Diſcontynuaunce eſt quaunt vn home alyen a vn auter terr' ou tenementes & morruſt & vne auter ad droit a meſme

¶ Diſcõtinuance is whẽ a mã alieneth to another lands or tenements and dyeth and another hathe righte to the ſame landes and

and maye not enter in them becauſe of thys alyenation, as if an Abbot alyen the landes of hys houſe to another in fee or in fee tayle, or for terme of lyfe, or if a manne alyen the landes that hee hathe in the righte of his wyfe, or if tenant in the taile alyen the lands geuen to him and to the heires of his body, then ſuch alienacions be called diſcontinuaunce, for ſuche eſtates paſſe alwaye by liuery & ſeiſin, & in theſe caſes the ſucceſſour of the Abbot, or the woman after the deathe of her husbande, or the iſſue in the taile after the deathe of ỹ tenant in the taile, maye not enter but euerye of them is put to hys action. Alſo if tenaunte in the

les terres & ne puyte éter en eux per cauſe de cel alienacyon, ſi come vn abbe alyen les terres de ſon meaſon a vn auter en fee, ou en fee taile, ou pur terme de vie, ou ſi vn home alien les terres que il ad en droyt ſa femme, ou ſi tenaunt en taile alyen les terres done a luy & a ſes heires de ſõ corps, dõque tiels alyenac̃ ſont appels diſcontinuãce, quar tiels eſtates paſſount touts foites per liuere & ſeiſin, & en ceux caſes le ſucceſſ. labbe, ne la feme aps le mort ſon baron, ne liſſue en le taile apres le mort le tenaunt en le taile ne poient enter, mes cheſcun de eux eſt mis a ſon action. Auxy ſi tenaunte

en

en le taile ſoyt diſſeiſi & il per ſon fait apres releſſa al diſſeiſour & a ſes heires toute le droit que il ad, il neſt dyſcontinuance, pour ceo que le tenaunt en le taile nad droyt forſ que pur terme de vye & riens de droit paſſa al diſſeiſoure forſq; pur terme de vye le tenant en taile, & meſme le leye eſt ſi abbe ou hõe en droit ſa fẽme ſoit diſſeyſye & ils releſſont aps al diſſeiſour, ẽ neſt aſcun dyſcõtinuance cauſa qua ſupra.

Auxy meſme le ley eſt ſi aſcun tiel tenant en le taile, abbe, ou home en droite ſa fẽme, fount leaſſe pur terme dans & puis releſſe al leſſee tout ſon droit tiel releaſe ne

taile bee diſſeiſed and he by his deede afterwarde releaſeth to the diſſeiſour and to his heires all the right that hee hathe, it ys noe diſcontinuaunce, for that that the tenante in the taile hath no right but for terme of lyfe, and nothinge of righte paſſeth to the diſſeiſoure but for terme of lyfe, of the tenaunt in taile, and the ſame lawe is yf an Abbot or a man in the right of his wife bee dyſſeiſed and they releaſe after to ẏ diſſeiſour, ẏ is no diſcõtinuãce, cauſa qua ſupra.

Alſo the ſame lawe ys if any ſuche tenaunte in the taile, Abbot, or man in the righte of his wyfe make a leaſe for terme of yeres & after releaſe to ẏ leſſee al hys right ſuch releaſe

lease maketh no dyscontinnaunce.

Also if tenaunt in the tayle of an aduowson or of a commen in grosse graunt the aduowson or the common to an other in fee or for terme of life that ys noe dyscontynuance for that that of such thinges whiche passethe by graunt and not by lyuery and seisin nothinge passethe but the estate that the grauntour hath, but of such thinges which passeth by lyuerie and seisin suche estate passethe whiche is named at the time of the seisin geouen.

¶ Discepit is a weitand it is some tyme orygynall and some tyme iudiciall, but when it ys oryginal it lyeth where anye disceipte is done to

fait ascune dyscontynuaunce.

Auxy si tenaunt en le tail de vn aduowsō ou de comen in grose grant la duowson ou la cōen a vn auter en fee ou pur terme de vie, c̄ nest ascū discōtinuance pur ceo que de tyels choses q̄ passont p graunte & nemy per liuere & seisin riens passa forsq; lestate que le grauntour ad, mes de tiels choses que passount per lyuere & seisin tyel estate passa q̄ est nosme p le seisin done.

Disceit est vn brief & est aic̄ foits origynal & asc̄ foits iudicyal, mes quaunt il est origiñ gyst lou ascune disceit est fait a ascun home

home per vn auter iſ-
ſint que il nad ſufficy-
ent perfourme ſō bar-
gaine ou nyent per-
forme ſon p̄miſe, dō-
ques celuy que eſt en
tyel maner diſceiue a-
uera ceſt briefe.

Auxy quant ceſt brief
eſt iudicial, il gyſt ou
ſcire fac̄ eſt ſue hors
de aſcun record vers
vne & le vic̄ retorne
que il eſt garny ou il
ne fuyt garny ou lou
vn Precipe quod red
dat de ple de terre eſt
ſue vers vne & le vy-
count retourne que
il eſt ſommoñ lou il
ne fuiſt ſummoñ p̄ q̄l
diſceipte & faux, re-
tourne le demaunde
recouer le terre, don-
ques le partye greeue
auera ceſt briefe vers
ceſtuy que recouera
ou vers le ſommoñs

a manne by another ſo
that hee hathe not ſuffi-
cyentlye perfourmed his
bargaine or not perfour-
med his p̄miſſe, then
hee that is in ſuche man-
ner diſceiued ſhal haue
this writ.

Alſo when this writte
is iudicial, it lieth where
a ſcire facias is ſued out
of any recorde againſte
a mā & ỹ ſhirfe returneth
that he is warned where
hee was not warned, or
wher a p̄cipe quod red
dat of a plee of landes is
ſued againſt one and the
ſhirfe retournethe that
he is ſūmoned, where he
was not ſūmoned by the
which diſceipt & falſe re-
tourne the demādaunte
recouereth ỹ land, then ỹ
partye greued ſhal haue
this writ againſte hym ỹ

recouc-

recouered or against the sommoners, or agaynste the shirif, then the writ shall bee directed to the Coroners of the same countie.

¶ Demaundaunt is hee that sueth or complayneth in actyon reall. for tytle of lande, and he is called plaintife in assyse and in actyon personall as in an action of debte, trespas, disceit, detinue, & such other.

¶ Defendaunt is he that is sued in actyon personel, & he is called tenant in action reall.

Distresse is the thing whiche is taken and distrained vpon anye lande for rente behinde, or for other hurte or duetye, howbeeit that the propertye of the thynge be-

ou vers le vycount, mes sil soyte sue vers le vicont donque le briefe serra directe al coroner de mesme la countie.

Demaundant est celuy que sue ou cõplayne en action reall pur title de terre, & il est appel playntife en assise & en action personels come en actyon de dette, tresp, disceit, detinue, & tyels semblables.

Defendaunt est celuy que est sue en action personel, et il est appel tenãt en action reall.

Distres est la chose q̃ est pris & distraine sur ascun terre pour rent arrere ou pur auter tort ou duitie, comẽt que le property

del

del chose soit perteynant al estrange, mes si sont beasts que perteinant a vn estrāge, il couient que sont leuant & couchant sur mesme le terre. s. q̄ les beasts auoit eē sur le terre p certain space q̄ ils ōt eux biē repose sur la terre, ou autrement ils ne sont dystreinable. Auxi si vne distraine pur rent ou auter chose saūs cāe loyal, donque le party greeue auera vne Repleuin sur suertye troue de pursuer son action, & auera la distresse a luy redeliuer Ideo vide de Repleuin apres, titulo Repleuin. Auxi sount diuers choses que ne soyte distreynable. s. le robe dauter home en le meason de vne

longeth to a straunger, but if they be beasts that belong to a straunger, it behoueth ỹ they be leuant & couchant vpon ỹ same ground, ỹ is to say, ỹ the beasts haue ben vppon ỹ ground by certain space ỹ they haue thēselfe well rested vpon the ground, or els they be not distrainable. Also if one distrain for rēt or other thing wt out cause lawfull, then the partye greeued shall haue a repleuin vpon suertie found to pursue his action, & shal haue ỹ dystresse to him delyuered againe, therefore loke of the repleuin afterwarde in the title Repleuin. Also there bee diuers thinges whiche bee not dystreynable, that is to say another mans goowne in

the

the house of a tayler, or a clothe in the house of a fuller thereman, or weyuer, for that, that they be commen artificers, and that the commen presumption is, that suche things belong not to the artificer, but to other persons whiche put them there to woorke.

Also vitaile is not distraynable, nor corne in sheues, but if they be in a carte, for that that a distresse oughte to bee alwaye of suche thynges whereof the Shirif may make Repleuin, and deliuer againe in as good case as it was at the tyme of the takynge. Also a manne maye distraine for homage, fealtie, and escuage, & other seruyces for fynes and

tailer, ou drape en le measō vnfuller, shere man, ou weyuer, pur ceo que ils sont commen artificers, & que le commen presumption est que tiels choses ne perteynent al artificer, mes al auts persons que les mettont la a ouerer.

Auxi vitel nest pas distreinable ne blees en garbes, sinō q̄ ilz sount en vn chareot, pour ceo que distres couiēt eē touts foites de tiel chose doūt le vic̄ puit fair repleuin & redeliū en auxi bō case que il fuit al tēps del prise. Auxi home puit dystraine pour hommage de son tenaunt, pur fealtye & escuage, & auters seruices, & pur fines & amerce-

amercements que sõt
assesse ẽ vn leete mes
nemy en court barõ.
Et auxi pour dam̃
fesant. s. quant il troue
les beasts ou bñs dun
auter, fesant tort ou
incõbrant son terre.
Auxy home ne puyt
distrain pur ascũ rẽt
ou chose due pur asc̃
terre, mes sur mesme
la terr̃ q̃ est charge
oues q̃ ceo, mes en
case lou ieo veign̄ a
distrein, et lauter voi
ãt mõ purpose, chase
les beastes ou port le
chose de hors, al ẽtẽt
que ieo ne prendra
pour dystresse sur le
terre, dõq̃s ieo puisse
bien pursue, & si ieo
le prist maintenãt en
le haute chymine ou
en auter soyle la pri-
sel est loyal, auxi bien
la come sur la terre

amercements whiche be
assessed in a leete but not
in a court baron, and al-
so for damnage fesaunt,
that is to saye, when hee
fyndethe the beastes or
goods of an other, doing
hurte or cumbringe hys
groũd. Also a man maye
not distrain for any rent
or thing due for any lãd
but vpon the same lande
that is charged ther with
but in case wher I come
to distraine, & the other
seeing my purpose, cha-
seth the beasts or beareth
the thinge out to the in-
tent I ỹ shall not take it
for a distresse vppon the
ground, thẽ I may well
poursue, and if I take it
incontinent in the hye
way or in ã other groũd
ỹ taking is lawful as wel
there as vppon the lande

charged

charged to whosoeuer ỹ propertie of the goodes bee. Also for fines and amerciamentes whych be assessed i a lete, one may alwaye take the goodes of hym that is so amerced, in whose ground so euer they bee within the iurisdiction of the courte as it is sayde. Also when one hath take a distresse it beehoouethe hym to bryngе it to the commen pounde, or els hee may keepe it in an others grounde, and then it behoouethe hym to geeue notice to the partye, for that, that the partye (yf the distresse bee a quicke beaste) mays geeue to it foode, and than yf the beaste dye for defaute of foode, he that was distreined shall bee at the losse, and then the other maye

charge a quecunq; la propertie des byens sont. Auxi pur fines et amerciaments que sount assesse en vne lete, vne puyt touts foits prendre les biēs celuy qui est issint amercy in quecunque soile que ils sount de ins la iurisdiction del court vt dicitur, auxi quant vn ad prise vn distres, il couiēt a luy de amener a le comē pound, ou autermēt il puit garder in auter soyle, & donques il couiēt a luy de done notice al partie, pour ceo que le party (si le distres soit vne vyue beast) puit doñ a luy viande, et donques si le beast murruſt pur defaut de viand' celuy que fuit distraine serra a le parde, & donques lauter puyt

diſtraine auterfoytes pur meſme le rent ou duitie. Mes ſil ameſna la diſtreſſe a vne forſo let ou hors del county, que la vic ne puit bien fair deliuerance ſur repleuyne, donques la party ſur le retourn de vicoũt auera vne briefe de Withernam direct al vicount que il preign taunt de ſes beaſtes ou taunt des byens lauter en ſa gard tanque il ad fait deliuerraunce de la prymer diſtreſſe. Auxy ſils ſount in vne forſelet ou chateaw, levicont puit prender oue luy le power del county & abater le chaſtell come appiert per le ſtatut weſtmonaſter 1. C. xx. Ideo vide ſtatutum.

diſtrayne agayne for the ſame rento, duitie. But if hee bryng the diſtreſſe to a holde or oute of the countye, that the ſhirife may not make deliuerãs vpon the repleuin, than the party vpon ỹ retorn of the ſhirriffe ſhall haue a writ of Withernam, directe to the Sherife, that hee take as manye of his beaſts, or as much goodes of the other in hys keepinge, tyll that he hath made deliuerãce of the firſte diſtres. Alſo if theye bee in a forſelet or Caſtell, the Sherife maye take with him the power of the Countye, & beate downe the Caſtel, as it appeareth by the ſtatute Weſtm. 1. capit. xx. Therefore looke the ſtatute.

Deo-

Deo dande is whan anye man by misfortune is slayne by an horse, or by a carte, or by anye other thing that moueth, than this thynge that is cause of his deathe, and whiche at the time of the misfortune moueth, shal be forfayte to the kinge, and that is called deodãde, and that pertaineth to ỹ kinges almener for to dispose in almes and in dedes of charitie.

Deodande est quant ascun home per mysfortune est tue p vne chiuall ou per charet ou per auter chose q̃ mouet, donques cel chose que est la cause de son mort, que al temps de la mysfortune moua, serra forfayt al Roye, & ceo est appel Deodande & ceo partayne al almener le Roy pur dispoſer in almes & actes de charity.

Dedimus potestatem is a writte, and it lieth where a man sueth in the kynges courte, or is sued, and maye not well trauel, then he shall haue this writte directe to some Iustice or other discrete personne in the countreye, to geeue to hym power, to admyt some manne for hys

Dedimus potestatem est vne briefe, & gist lou vn home sua in le courte le Roye. ou est sue, & ne puyt bien traueler, donq̃s il auera cest brief directe a ascun Iustice, ou auter discrete per son en le payes, de done a luy power de admyt ascun pur son

attorney, ou de leuie fyne ou de prender son confession ou sō respons ou auter examination cōe le matter require.

Demurrer est quāt aſcun action est port & le defēd' plede vn plee a q̄ le pleintif dit q̄ il ne voile respondre, pur ceo q̄ il nest sufficiēt plee in le ley & le def. dyt al contrary que il est suffici ent plee, ceſt doubte del ley est appell vne demurrer,

Double plee ē lou le defendaunt ou tenaunt en aſcun actiō plede vn plee in que ij. matters sont cōprehendus & cheſcun per luy m̄ est vn ſuffi cient barre ou respōs al action ou matter de barre donq̄ tiel doubl'ple ne ſerra ad

attorney, or to leuie a fine, or to take his cōfession or his aunſwere, or other examynatiō as the matter requireth.

¶ Demurrer is when anye action is broughte & the defendant pleadeth a plee to ỹ which the pleintife ſaith that he will not aunſwer, for that that it is not ſufficiēt plee in the lawe, and the defendant ſaith to the cōtrarye, that it is a ſufficient plee, this doubt of ỹ lawe is called a demurrer,

¶ Double plee is where the defendaunte or tenaūt in anye action pleadeth a plee in the whiche ij. matters be compzehēded, and eueryе one by hymſelfe is a ſuffycient barre or aunſwere to the action, then ſuche a doublе plee ſhall not bee admitted

mitted for a plee, excepte one depende vppon an other, and in suche case if he may not haue the laste plee, without the fyrste plee, then suche a double plee shalbee well suffered.

¶ Dower is a writte and it lyeth where a man ys sole seised duringe the couerture betwen him and his wife of landes and tenementes in fee simple, or fee taile, where by possibilytie the issue betwene them maye inherite, if suche a man dye, his wife shal recouer the thirde part of al the landes wherof the husband was sole seised anye tyme during the couerture by a writ of dower, vnde nihil habet, thoughe that he made alienation therof in his lyfe, but if a mã

mitte pur plee si non que vne depende sur lauter & in tyel case, sil ne puit aũa le darreyne plee sans le primer plee donq̃ tyel double plee serra biẽ suffer.

Dower est vn briefe & gyst lou home est sole seisie duraunt le couerture per inter luy & sa feme de terres ou tenementes en fee simple, ou fee tayl lou p possibilitye lyssue enter eux puissoit inherite, si tyel home deuye sa femme recouera la tyerce part de touts les terres dount le baron fuist sole seysye ascune temps durant le couerture per briefe de Dower vnde nihil habet mesque il ne murrust seysy & mesque ad il fait alyenation de ceo en sa

vye, mes ſi home ad terres en queux auter home ou auters homes fueront ſeyſie a ſon oeps toutes foites durauut le couerture et ceſtye a que oeps il ſounte ſeyſye deuye ſa femme ne ſerra indowe. Et auxy ſi ij. homes ſount ſeiſie de terre al oeps lune de eux & ceſty a que oeps &c. deuie ſa feme ne ſerra endow. Auxy ſi femme porte briefe de dower el recouera dammage pour le profit incurrus apres la morte le baron ſil murruſt de ceo ſeiſie Mes ſi aſcune alienacion ou eſtate ſoyte fayt durauut le couerture q̄ iſſint le baron ne murruſt ſeiſye don ques meſque il recouera la terre vncore

haue landes in the which another mans or other men were ſeiſed to hys vſe alwates duringe the couerture, and hee too whoſe vſe they bee ſeiſed diethe, his wife ſhal not bee endowed. And alſo yf two men bee ſeiſed of lande to the vſe of one of them, and hee to whoſe vſe &c. dyethe, his wife ſhall not bee endowed. Alſo yf a woman bringe a writte of dower ſhee ſhal recouer dammages for the profite runne after the deathe of her huſbande yf hee dyeth thermurruſt ſeyſed, but if anye alienacion or eſtate were made durynge the couerture, ſo that the huſbande dyed not ſeyſed, then though ſhe ſhall recouer the lande yet ſhee ſhal recouer no dam̄.

Alſo

¶Also there is another writte of dower called a writte of right of dower, and it lieth where a woman hath recouered part of her dower in the same towne, and the other pte she is to recouer. Also in diuers cases a woman shall not haue dower, as yf the husbande do felony for the whiche he is attaynte, then his wyfe shall haue no dower. Also yf she goe awaye from her husbande with an other man in aduowtrie, & yf she bee not reconsiled by her husbande of hys owne will without coher-sio of the church, she shal not bee endowed.

¶Droit is a writte, and it lyethe where a manne claymethe anye Landes or tenementes, and aledgeth no title but onelye el ne recouera dammages.

Auxi il est vn auter briefe de dower appell briefe de droit de dower & gist lou femme ad recouere part de sa dower en meſme le ville & auter parte el est a recouer. Auxi en diuers cases femme nauera dower, sicome le baron fait felonye per q̄ il est attaint donques sa femme nauera dower. Auxy si el elopa de son baron oues-que vne autre home in auowtrie & si el ne soit reconsile per son baron de son bon volunte saūns coher-sion del esglise el ne serra endow.

Droit est vn briefe & gist lou hõe clamasē terr' ou tenēts & allege nul titl' mes soleīt

q̄ vn des ſes anceſtors in auncyent tempes fuit ſeiſy puis le limitation, et ceſt briefe couient eſte porte en court le ſeignoure & puit eſte remoue en court le Roye & nad forſque ij. triels.s. per grand aſſiſe ou p̄ bat tel al electiō le tenant et pur ceo il couyent touts foits al pleintife pur auer ſon champion priſt, ou autermēt il perdera ſon action. Auxy le iudgemēt de ceſt briefe eſt final, car il neſt pas plee pur le tenant adire que il recoueraſt p̄ actyō trie. Auxy il eſt vne auter briefe de droit de rationabile parte & gyſt toutes foites inter pryues de ſanke, ſicome vne home leſſe terres a terme de vye & ad pluſoures co-

that one of his auncestours in olde tyme was ſeiſed after the limitatiō, and this writte behoueth to be brought in the lordes courte, and it may be remoued in the Kynges court, and it hath not but two trials, that is to saye by graund aſſiſe or by batel, at the election of the tenaunte, and for that yt behoueth alwaye to the pleintife for to haue hys champyon redy, or els he ſhal loſe his action. Alſo the iudgemēt of this writ is final, for it is noe plee for the tenant to ſay that hee recouered by action tried. Alſo there is another writ of righte de rationabile parte, and it lieth alway betwene pryueis of bloode, as if a mā let Landes for terme of lyfe, and hath manye co-

heyres,

heyres and dyeth, if one of the coheyres enter in al the Lande, the other shal haue this writte, but thys writte shall not bee tried by battel nor grand Assise.

heires & deuye si vne des coheires entra in tout la terre les auters aueront ceſt briefe mes ceſt briefe ne ſerra trie per battell, ne graunde aſſiſe.

Also there is another wryt of right quando dominus remisit curiã suã Regi, and it lieth wher ỹ Lorde holdeth no courte, than hee shall remit hys court to the kinges court for the time sauinge too hym an other tyme the righte of his seignoury.

Auxy eſt vue auter briefe de droit quãdo dñs remiſit curiã ſuam regi & giſt lou le ſeigniour ne tyent courte donques il remyttera ſon court al courte le roye a ycel foytes ſauuant a luy auterfoits le droit de ſon seygnoury.

Loke of writtes of ryght in the titles of Precipe in capite monstrauerunt, dower, & quare impedit.

Vide des briefes de droit en les tytles de Precipe in capite mõſtrauerunt, dower, & quare impedit.

Dures is where one is kept in prison or restrayned from his liberty contrarye to the order of the lawe, and if suche a per-

Dures eſt lou vn hõe eſt garde in priſon ou reſtreine de ſon libertye contrary al order de leye, & ſi tiel perſon

ſon iſſint eſteant fayt in dures aſcun eſpecialtye ou obligation p reaſon de tyel empriſonment tyel fait eſt voyde en le ley,& in accion porte ſur tyel eſpecialtye il puyt dire qui il fuit fait per dures de ſon impryſonment,mes ſi home ſoit arreſt ſur aſcune action al ſuite vn auter meſque le cauſe del action ne ſoit bon ne voir,ſil fait aſcun obligation a vne eſtraunge eſteant in priſon per tiel arreſt, vn core il ne ſerra dit per dures, mes ſil fait obligation a luy a que ſuit il fuit arreſt deſte diſcharge de tyel impriſonment, donques il ſerra dit dures vt dicitur,

Dum non fuit com-

ſon ſo being in dures make anye eſpecialtie or obligation by reaſon of ſuche imprizonment ſuche a deede is voyde in the lawe : and in an action brought vppon ſuche an eſpecialtie, he maye ſaye that it was made by dures of Imprizonmente, but if a man bee arreſted vppon anye accyon, at the ſuite of another thoughe the cauſe of the action be not good nor trewe, if he make anye obligation to a ſtraunger beeinge in prizon by ſuch areſte, yet it ſhall not bee ſayde by dures, but if hee make an obligation to him at whoſe ſuit he was arreſted to bee diſcharged of ſuch imprizonment, than it ſhalbe ſaid dures vt dicitur.

¶ Dum non fuit com-

pos

pos mentis is a writte & it lieth wher a man that is out of his good mind alieneth the landes that he hath in fee simple and dyeth, then his heyre after his disseise shall haue this writte, but he hym selfe shall not haue this writ for that that a man shal not bee receiued to dysable hymselfe. Also this writte maye be made in the per, cui, & post.

pos mentis est vne briefe & gist lou hom̃ que est hors de son bone memorye alien les terres que il ad in fee simple & deuye donques son heire apres son deceisse auera cest briefe, mes il mesme nauera ceste briefe pur ceo q̃ hom̃ ne serra resceu a dysabler luy mesme auxy cest briefe puyt este fait en le per, cui, & post.

¶ Dum fuit infra etatem ys a writte, and it lyeth where an infaunte within age alieneth hys land that hee hathe in fee simple, or for terme of lyfe, when hee commeth to his ful age, hee shall haue this writte, or hee maye enter yf hee wyll, but yt behoouethe, that he be of full age the day of thys writte brought

Dum fuit infra etatem est vne briefe & gist lou enfaunt deins age alyen sa terre que il ad in fee simple ou pur terme de vie quãt il vyent a son pleyne age il auera cest brief ou il puyte entre sil voil, mes il couyent que il soit de pleyne age iour de son briefe purchase,

Auxy

Auxy ſi enfant alyen ſa terre & deuye ſon iſſue a ſon pleine age auera ceſt briefe ou puit enter, mes liſſue nauera ceſt briefe deins ſon age.

also yf an infante alyen his lãd and dye, his iſſue at his full age ſhall haue this wrytte or hee maye enter, but the iſſue ſhall not haue this writ with in his age.

Eiectione firme vide de ceo en le tytle quare eiecit infra terminum.

¶ Eiectione firme, looke for that in the title quare eiecit infra terminum.

Eiectment de gard vide de ceo en le title gardes

¶ Eiectement de garde, looke for that in the title garde.

Entre eſt lou vn hõe entra en aſcune terre ou tenements en ſon proper perſon ou auter p ſon commandement. Auxy ſount diuers briefes Dentre q̃ux ſõt in dyuers maners, vn eſt br' dentre ſur diſſeiſin, & ceſt b' giſt lou home eſt dyſſeiſy & deuy ſon heir auera lauauntdyt br' vers meſme le diſſeyſour.

¶ Entre is where a man entreth in anye Landes or tenements in his proper perſon, or any other by his commaũdement. Alſo there bee dyuers writtes of entre whiche bee in diuers manners: one is a writ of entre ſur diſſeiſin, and this writ lieth where a man is dyſſeyſed and dieth, his heyre ſhal haue this writ againſt the diſſeiſour.

A writ

¶ A writ of entre in the per lieth, where a man is disseised of his freehold and the disseysour of hys heyre entereth, then the dysseysye or hys heyre shall haue the saide writ againste the heire of the disseysoure, or agaynste the alyen of the disseysour, but lyuing the dysseysour, hee maye haue assyse if hee will, and the writ of Entre shall saye in quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde iniuste disseisiuit &c. But if the disseisour alien and the aliene alienethe further to another, or if the disseysoure dye, and his heire enter, & that heyre dyethe, and his heire entereth, thē ꝑ dysseysye or hys heire shall haue a writ of Entre sur disseysin

Briefe dentre en le per, gist lou home est disseysi de son franktenement, & le disseisour deuy seisie, & sō heire entra. donques le disseisy ou son heir aũa le dit briefe vers lheir le disseisour, ou vers lalyen le disseysour, mes viuaunt le disseisour, il puit auer assise si il voile, & le brief Dentre dirra, in quod A. nō habet in gressum nisi ꝑ B. qui illud ei dimisit, qui in de iniuste disseisiuit &c. Mes si le disseisor alien, & le alien alien ouster a vn auter, ou si le disseisour deuie, & son heire entra, & celuy heire deuye, & son heire entra donques le disseysyé ou son heire auera brief Dentre sur disseysin

in

in le Per & Cui, & le briefe dirra in qd' idē A. non habet ingreſſum niſi per B cui C. illud ei dimiſit qui in de iniuſte &c. Et nota que nul briefe den tre in le Per & Cui ſerra maītenable vers nulluy mes lou il que eſt tenaunt ſoit tenꝰ per purchaſe ou per diſcent, mes ſi aliena tion ou diſcent ſont deuenus hors des de grees ſur quel nulle briefe puit eſte fait in le Per, ne in le Per & Cui, donques ſerra fait in le Poſt, & le briefe dirra, in quod A. non habet ingreſſum niſi poſt diſſeiſi-nam quam B. inde in iuſte & ſine iudicio fecit prefat' N. vel m̄ proauie N. cuius he-

ſin in the Per & Cui, and the writ ſhal ſay, in quod idem A. non hēt ingreſſum niſi per B. cui C. illud ei dimiſit qui inde in iuſte &c. And note well, that no wryt of entre in the Per and Cui, ſhalbe maynetenable agaynſte none, but where he that is tenant bee in by purchaſe or diſcent, but if the alienation or diſcent bee come oute of the degrees vpō which no writ maye be made in the Per, nor in the Per & Cui, than it ſhalbe made in the Poſt, and the writ ſhall ſaye, in quod A. non habet ingreſſum niſi poſt diſſeiſi-nam quam B. inde iniuſte & ſine iudicio fecit pr̄a fat' N. vel m̄ proauie N. cuius heres ipſe eſt. Alſo there are fiue thinges

whiche putte the writte of Entre ..ate of the degrees, that is to saye, Intrusyon, Electyon, Dysseysin vppon disseysin, Iudgemente and Eschete. Entrusion is, when the dysseysoure dyethe seysed, and an estraunger abateth. Disseisin vppon disseisin is, when the disseisor is dysseysed by an other. Electyon is, where the dysseysoure is a man of Religion, and dyethe, or is deposed, and hys successoure that is elected entreth. Iudgement is, when one receuerethe agaynste the dysseysour. Eschete is when the dysseysoure dyethe wythsute heire, or dothe felonye whereby hee is attaynted, by whiche

res ipse est. Auxy sõt v. choses que mettõt brief dentre hors des degrees. s. Entrusion Election, disseisin sur disseysin. Iudgement & Eschete. Entrusion est quaunt le dysseisour deuie seysye, & vne estraunge abata. Disseysine sur disseysine est, quaunt le dysseysour est disseysye per vn auter. Election est ou le disseisour est vne home de Religion & deuie, ou est depose, & son successor que est elect entra. Iudgement est quaunt vne recouer vers le disseisour. Eschete est quaunt le disseysour deuie sauns heire, ou fait felony per que il est attaint, per que

le seyg-

le ſeignior entra cõe
en ſõ eſchete, in touts
ſes caſes le diſſeiſi ou
ſon heire nauera br'
de Entre deins les de
grees in le per, mes in
le poſt, pour ceo q̃ in
ceux dits caſes ils ne
ſont eins per diſcent,
ne p purchaſe. Auxy
il y ad vn briefe den-
tre ad communem le
gem, & giſt lou tenãt
a term de vie, tenant
a terme dauter vie, te
nant per le curteſye,
ou tenaunt in dower
alien & deuie, donq̃
celuy en la reuerſion
auera lauantdit brief
deuers quecunq̃ que
ſoyt eins apres en les
dits tenements. Auxi
brief Dentre in caſu
prouiſo giſt ſi tenant
en dower aliẽ en fee
ou a tearme dauter
vye viuaunt le te-
nant in dower celuy

the Lorde entrethe as in
his Eſchete. In all thoſe
caſes the diſſeiſye or hys
heir ſhal not haue a writ
of Entre wtin ỹ degrees
in ỹ Per, but in ỹ poſt,
for ỹ that in thoſe ſaid ca
ſes they are not in by diſ
cent nor by purchace. Al
ſo there is a writ of En-
tre ad communem legẽ, ſ
lieth where tenaunt for
terme of life, tenaunt for
terme of anothers life, te
nãt by the curteſie, or te-
nãt in dower alieneth ꝛ
dieth, thã he in the reuer
ſion ſhal haue the afore-
ſayd writ agaynſte who-
ſoeuer that is in, after in
the ſayde Tenementes.
Alſo a writ of Entre in
caſu prouiſo lyethe, yf te
naunt in dower alien in
fee, or for terme of lyfe,
or for anothers life, liuig
the tenaunt in dower, he
in ỹ

in the reuersiõ shal haue the writ called a writte of Entre in casu prouiso. Also a writ of Entre in casu cõsimili lieth, if tenãt for terme of life, or tenãt by the curtesie alié in fee liuing them, he in the reuersion shal haue a writ called a writ of Entre in cõsimili casu. Also a writ of Entre ad terminum qui preteryt lyethe, yf a man leasse land to another for terme of yeares and the tenaunte holde ouer hys terme, then the lessour shall haue a writ whiche is called a writte of Entre ad terminum qui preteryt. And also, yf landes bee leased to a man for terme of an others lyfe, and hee for whose lyfe the Landes are leased dyethe, and

in la reuersion auera la briefe, appell brief Dentre in casu prouiso. Auxi brief dentre in casu consimili, gist, si tenant a terme de vie, ou tenãt perle curtesie alié in fee viuant eux, celuy en la reuersion auera brief appell briefe dentre in consimili casu. Auxi brief dentre ad terminum qui preterijt gist, si vnhõe lessa terres a vn auter pur terme dás & le tenãt tiẽt ouster son terme dõcq̃ le lessour auera briefe que est appell brief dẽtre ad terminum qui preterijt. Et auxi si terres sount lesses a vn home pur terme dauter vie, & cesty pur q̃ vie, les terres sõt lesses, deuie, &

le lesse tiēt ouster, dō ques le lessour auera cest brief. Auxi briefe dētre sine assensu. Capituli, gist ou abbe, priour ou tiel que ad couent ou cōen seal, aliene terres ou tenements de droit de sō esglise sans lassent de Couent ou Chapiter & deuie, donques sō successour auera cest brief, & puit este fayt in le Per, Cui et Post Auxi briefe Dentre causa matrimonij prelocuti gist lou vn dō terres ou tenements a vn home sur tiel cō dicion que il prendra vn tiel a sa femme de yns certeyne temps, & il ne luy espousa deins la dit temps ou espouse auter feme, ou lui fait prester, ou

ỳ leassee holds ouer, thē the leassor shal haue this writ. Also a writ of Entre sine assensu Capituli liethe where an Abbot, Priour, or suche ỳ hathe couent or commen seale alieneth landes or tenements of the right of hys churches wout thassente of couent or chapiter and diethe, then his successor shall haue this writ, & it may be made in the Per, Cui, and Post. Also a writ of Entre causa matrimonij prelocuti liethe wher a man geueth landes or rent to a man, vpon suche condition, that hee shall take suche one to hys wife, within a certayne terme, and hee do not espouse her wythin the sayde terme, or espouse another womā, or

make

make him selfe priest, or enter in religion, or hym disable, so that hee cā not take her according to the saide condicion, then the donour or his heires shal haue ẏ saide writ against him, or agaynst whosoeuer that is in the sayde lande. Also it beehoueth, that this condycion bee made by indenture, or otherwise this writ dothe not lye.

¶ Entrusion is a wryt, and lyeth where a tenāt for terme of lyfe, dyethe seysed of certayne Landes or tenementes, and a straunger entreth, hee in the reuersyon shall haue the saide writte agaynste the abator, or againste whosoeuer that is in after their disseisin. Also a writ of Entrusiō

entra en religion, ou luy disable, issint que il ne puit el prender accordant a la dit cōdicion, dōques le donour ou ses heires auera le dit brief vers luy ou vers quecunque que est eins en le dit terre. Auxy il couient que cest condicion soit fait per indenture, ou autermēt cest briefe ne gist.

Entrusion est vne briefe, & gist lou tenaunt a terme de vie deuie seisy de certein terres, & tenementes & vne estraunge entra, celuy en la reuersion aūa le dit briefe vers labator ou vers quecunque que soit eyns apres loure disseysine. Auxy vne briefe de Entrusion

ſerra maintenabl'pur le ſucceſſour dun abbe vers labatour que entra en aſcun terres ou tenementes tempore vacationis, que appent a ſa eſgliſe. Marlebridge capitul' vltimo.

Elegit eſt vn briefe iudiciall, & giſt lou home ad recouer det ou dammages en le court le roye, ſil ſuppoſe que les biés lauter ne ſont ſufficient donques il auera ceſt briefe al vicont, a delyuer a luy toutes ſes byens & chateux excepte que les boefes & affres de ſon carue & auxy le moytie de ſa terre que ſerra a luy delyuer per reaſonable extent' que il tiendra tanque le

ſhall bee ma[illegible]teynable by the ſucceſſoure of an Abbot agaynſte the abatoure whiche ſhall enter in anye Landes or tenementes in the tyme of vacation that belongeth to the Churche, Marlebridge the laſt chapiter.

Elegit is a writ iudicial, and it ſpeth where a man hathe recouered in the kynges court debt or damages, yf hee ſuppoſe that the goodes of the other bee not ſufficiente, than hee ſhall haue thys writ to the ſhirife, to deliuer to him al his goods and cattalles, excepte oxen and implements of his carte, and alſo the halfe of hys land, which ſhalbee to hym delyuered by reaſonable extent that he ſhall holde it tyll

the

the summ be leuyed of the sayde yssues and profites.

¶ Errour is a writte, & it lyethe wher a false iudgement is geeuen in the comen place, or before ẏ iustice in assyse, of oyer, & terminer, or before ẏ Maior, & shiriffes of Lōdon, or in other courte of recorde, for to make ẏ recorde, & ꝓces to come before ẏ iustice of the kingz bēche, & if ther errour be found, it shalbe reuersid, but if a false iudgement be geuen in ẏ kingz bēch then it shalbe reuersid by ẏ parliamēt. Also if a false iudgement be geuen i courte, that is not of Recorde, as in county, hundred or court baron, then the parte shall haue a writ of false iudgem̄t for

somme soit leuye des issues & profits.

Errour est vn brief & gist lou faux iudgement ē don en le cōmen bank, ou deuant iustice in assise ou deuant iustice de oyer & terminer ou deuāt la mayor ou vycount de Londres, ou en auter courte de recorde pur faire vener le recorde & proces deuāt les iustices de bank le roy, & la si errour soit troue, il serra reuerse, mes si faux iudgemēt soit done en banke le roy, donq̧ il serra reuerse ꝑ parliam̄t. Auxi si faux iudgemēt soyt done en court q̄ nest de recorde come en countye hundred ou courte baron, donq̧ le party auera briefe de faux iudgemēt pur

faire le recorde vene-
re deuaunt iustice de
commen bank. Auxy
si errour soit troue in
leschequer il serra re-
dresse per le chaunce
lour & treasourer, vt
patet per statutum.
Edw.iij. Anno xxxi.
cap.xij.

Essoin est lou vn acci
on est porte & le pl'
ou defendant ne poit
bien appearer al ioure
in court pur vn de v.
causes de southe ex-
presses donque il ser-
ra essoin de sauer son
defaut vnde nota que
sõt v.mañs de essoin s.
essoin de ouster le me
re & c̃ est per xl.iours
Le ij. essoin de terra
sacta et ceo serra pur
vn an & vn iour, et
ses deux serrount gist
al commencement de
ple vt dicitur.

to make the recorde too
come before the iustice of
the comen place. Also yᵗ
errour bee founde in the
Eschequer it shalbee re-
dressed by the chauncel-
lour and treasorer as it
appereth by ẏ statut of E
ij. An.xxxi.cap.xij.

CEssoine is where an
accion is brought and ẏ
plaintife or defendaunte
maye not well appere at
the daye in court for one
of the v causes vnder ex-
pressed, thē he shalbe essoi
ned to saue his defaute,
whereupō note wel that
ther bee v.maner of essoi
nes, ẏ is to saye, Essoyne
de ouster le mere, & ẏ ys
by xl.daies, ẏ secōd essoy-
ne is de terra sancta, & ẏ
shalbe by a yere & a day,
& these twain shalbe layd
in the beginning of ẏ ple

vt

vt dicitur, the iij. ession is de male vener, and that shalbee at comen dayes, as the action requireth, & this is called the comen essoin, and when & howe this essoin shalbe, looke ỹ statutes and the booke of abridgements of statuts where it is well declared. Also the iiij. essoin ys de malo lecti, and that is onely in a writte of right and there vppon there shal a writte goe oute of the Chauncerie direct to the shirife, that hee shall sende iiij. knightes to the tenaunt to see the tenante and if hee be sicke to geeue hym a daye after a yeare and a daye. Also ỹ v. essoine is de seruice le roye, and it lieth in al actions excepte in Assyse

Le tierce essone est de male vener & ceo ser ra al comen iours cõe laction require & cest appel le comẽ esson, et quant, & coment cest esson serra, vide les sta tutes & le liuer de abridgemẽt de statutes, lou il est bien declare. Auxi le iiij. esson est de malo lecti & c̃ est sole ment en bryefe de droite, & sur ceo isse ra brief hors de chaũcery e directe al vysc̃ount que il maunde iiij. Chyualers al tenaunt de voyer le tenaunt & sil soit malade, de doner a luye iour apres vne an & vn iour. Auxi le v, esson est de seruyce le roy & gist en toutes actions forsq̃ in assise

le nouel disseisine br'
le dower, dareyne
presentment & in ap-
pel de murder, mes
n cest essoñ il couy-
ent al iour de mõstre
on garraunt ou au-
erment il tornera in
vn def. sil soit in plee
eall ou il perdra xx.
pur le iurney ou pl'
er discretion des ius-
ice sil soit en plee per
onel vt patet ꝑ sta-
ut de Glocester cap.
lecimo.
Estraye est lou ascun
est ou cattel ẽ in asc̃
eignourie & nul co-
ust le owner de ceo
lõq̃ il serra seisi al o-
ps le roy ou le seigñ
ad tyel estraye per
rant le roy ou ꝑ pre-
cripc̃ & si le owner
int & fait claime a c̃
eis vn an & vn iour

of nouel disseisin a write
of dower, daren present-
ment & in appell of mur-
dure, but in this essoin it
behouethe at the daye to
shewe his warrãt, or els
it shal torne into a defau
te if it be in a plee real, or
els he shall lose xx.s. for ye
torney or more by the dis
cretion of the iustice if it
be in plee personel, as it
appereth by the statut of
Glocester. cap. decimo.
¶ Estray is where anye
beaste or cattel is in any
lordship and none know
eth the owner therof, thã
it shalbe seised to the vse
of the kynge, or of the
Lorde that hath suche e-
stray by the kings graũt
or by prescription, and
yf the owner come and
make claime therto with
in a yeare and a daye,
than

than hee shall haue it againe or els after the yere the propertye thereof shalbe to the Lorde, so ỹ the Lorde make proclamacion therof according to the lawe.

¶ Escape is where one ỹ is arrested cõmeth to his libertie before that he be deliuered by the warde of any iustice, or by order of the lawe. Also yf one be arrested, and after escape, and is at his liberty, and he in whose ward hee was take him afterwarde, and bring him to the prison, yet it is an escape in him.

¶ Also yf a murder bee made in the daye, and the murderer bee not taken, than it ys an escape for the whiche the towne where the murdonques il le reauera ou auterment apres an la propertie de ceo ferra al seignioure issint que le seignioure face proclamation de ceo accordaunte a le ley.

Escape est lou vne que est arest deueign̄ a son libertie deuant que il soit deliuer per agarde de ascune iustice, ou per order del ley. Auxy si vn soit arrest & puis escape & est a son libertye & cestye in que garde il fuist luy reprise apres & luy a mesne a le prison vncore il est escape en luy.

Auxi si vne murder soit fait in le iour & le murderer ne soit prys donq; il est escape per que le vil ou le murder

der fuit fayte ſerra a-
mercy. Auxy ſi vn fe-
lon ſoit areſt p le con-
ſtable & ameſne a le
gayle en le county &
le gailer ne voit luye
reſceiuer & le conſta-
ble luy dimit & le gal
ler auxy & iſſint il eſ-
cape, ceſt eſt vn eſcap̃
en le gailer pur ceo q̃
en tiel caſe le gailer ẽ
tenus de luy reſceiuer
per le maine le conſta
ble ſans aſcun precept
de le iuſtices de peace
mes auterment eſt ſi
vn comen perſon ar-
reſt auter pur ſuſpec-
cion del felonye la le
gayler neſt tenus de
luy reſceiuer ſans pre
cept de aſcun des iuſ-
tices del peace.

Eſchete eſt vn brief
et giſt lou vn tenant
tyent dun ſeigniour

der was done ſhalbee a-
merced. Alſo if a felon be
arreſted by the conſtable
and brought to the gaile
in the couty, and the gay-
lour wyll not reſcepue
hym, and the cõſtable let
teth him goe, and the gai
lour alſo, and ſo hee eſca
peth, this is an eſcape in
the gaylour, for that that
in ſuche caſe the gayler is
bounde to reſcepue hym
by the hande of the con-
ſtable without anye pre-
cept of the Juſtice of pea
ce, but otherwiſe it is yf
a comen perſon areſt an
other for ſuſpecious of fe
lonye, there the gaylour
is not bounde to reſceiue
him without a precept of
ſome iuſtice of peace.

¶ Eſchete is a writte and
it lyeth where a tenante
holdeth of a Lord withe-
out

out meine and doth felony, for the whiche he is hanged or abiured the realme or be outlawed of felony, murder, or petye treason, or if the tenante dieth without heyre general or especiall, then ỹ Lord may enter by way of Eschete, or yf another enter, the Lord shal haue against him this writ.

¶ Escuage is called in latten Scutagium, that is seruice of the shylde, & he that holdethe by escuage holdeth by knight seruice, for he that holdethe by escuage holdeth by homage and fealtie, and to that belongethe warde mariage and relefe, but it shalbee entended of escuage not certaine when the Escuage runnethe thorough Englande.

sans meine & face felony pur q̃l il est pendu, ou abiure le realm̃ ou vtlage de felony, murder, on pety treason, ou si le tenaunte murrust sauns heyre general ou special dõques le seigniour puit enter per voye de eschete ou si auter hom̃ enter le seignioure auera vers luy cest br'.

Escuage est appel in latin scutagium s. seruitium scuti & cesty qui tient per escuage tyent per seruice de chyualer, car que tyent per escuage tyent per homage & fealtie, et a ceo appent garde mariage et relyefe, mes il serra intend de escuage non certein quãt lescuage courge p̃ tout Engl'.

Et

Et eſt ordeine p tout le counſell. Dengleť pur ſuſtainer guerres parenter Engleterre & ceux de eſcoſe ou de galis q̄ cheſc̄ ſeigñ auera certein ſomme de ſon tenaunt pour mainteiner le dit guer mes ſi le tenant q̄ ty-ent daſcun ſeygnor p eſcuage ſoite oue le roy in ſes guerres in eſcoſe, & le ſeigniour voit diſtraine luy pur eſcuage, il ſerra bone plee adire que il fuyte oue le roye en eſcoſe en le guerre , & ceo ſerra trie per le mar-ſhal le roy.

Eſtrepeñt eſt vn br̄ & giſt lou vne eſt im plede p vne prec̄ qd̄ reddat pour certaine terre ſi le demandant ſuppoſe q̄ le tenaunte

And it is ordeined by all the counſel of Englande to mainteine the warres betwen England & thoſe of Scotlande, or of Wa-les, that euery lord ſhall haue a certaine ſumme of his tenāt to mainteine the ſaide warre, but if ỹ tenant whiche holdethe of anye lorde by eſcuage be with the kinge in his warres in Scotlande, & hys lorde wyll diſtraine hym for eſcuage, it ſhall bee a good iplee, to ſay ỹ hee was withe the kinge in Scotland in hys war-res, and that ſhalbe tried by the kinges marſhal.

¶ Eſtrepement is a writ & it lyeth wher one is im pleded by a præcipe quod reddat, for certaine lande if the demandant ſuppo-ſing that the tenant wyl

doe

do waste hangynge the plee, hee shall haue agaynste hym this wryt which is a Prohibicyon, commaunding him that hee doe noe waste hangyng the plee. And thys wrytte lyethe properlye where a man demaundeth lands by formedon, or writ of right, or suche writtes where hee shall not recouer dammages. For in suche wryttes where hee shall recouer damages, hee shall haue his damages hauing regard to the wast done.

¶ Etate pbāda is a writ of office, & it lieth for the heyre of the tenaunte that helde of the kinge in chyefe, for to proue that hee is of ful age directed to the shirife, to enquire of his age. And than hee

voile faire wast pendant le plee, il auera vers luy cest briefe q̄ est vn prohibitiō, luy cōmandant que il ne face wast pendant le plee, & cest brief gist proprement lou vne home demaund terre per Formedone, ou briefe de droit ou tiels briefes, lou il ne recouer dammages, car in tiels briefes lou il recouera dammages, il auera ses damages ayant regard al wast fait.

Etate probāda est vn briefe doffice, & gist pour lheire le tenaunt que tenuit de Roye in chiefe pour prouer que il soit de pleyne age, directe al vicont pur enquerer de son age, & donq̄ il

il deuiendra tenaunt al roy per meſme les ſeruyces que ſon aun ceſtor fiſt al roy, mes il eſt dit que cheſcun que paſſera in ceſt in queſt, ſerr' del age des xlij. ans al meins iſſint q̄ il fuit de pleine age al temps que ceſty q̄ ſuyſt le briefe fuyt nee.

Executor eſt, quāt home faire ſon teſtament et darreine volūte & in ceo noſma le pſō q̄ executera ſō teſtamēt donc̄ ceſty qui eſt iſſint noſm̄, eſt ſon executour, et tiel executour auera action vers cheſcū dettour de ſon teſtator, et ſi lexecutor, ad aſſets, cheſcun a q̄ le teſtatour fuit in dett auera action vers lex-

ſhall become tenant to ȳ kyng by thele ſeruices ȳ his auncеſtours made to the king, but it is ſayde, that euery one that ſhall paſſe in this inqueſt, ſhal bee of thage of xlij. yeares at leaſt, ſo ȳ hee was of ful age when hee that ſueth ȳ writ was borne.

¶ Executour is, when a man makethe his teſtament and laſt will, and therein namethe the perſonne that ſhall execute his teſtament, then hee that is ſo named is hys executour, and ſuche an executour ſhall haue an actyon againſte euerye debtour of his teſtatour, and if the executors haue aſſets, euery one to whō the teſtator was in debt, ſhal haue an actiō againſt

the

the executour, yf he haue an obligation or specialtie, but i euery case wher the testatoz might wage his lawe, no action lieth againste the executoure. Looke moze thereof before in the title Administratours.

¶ Exchaunge is where a mā is seised of certaine lande, and another man is seysed of other land, yf they by a deede indented oz without deede, yf the landes bee in one selfe countie, exchaunge their landes, so that euerye of them shal haue other lā-des to him so exchaunged fee, fee taile, oz foz term of lyfe, that is called an exchaunge, and it ys good without liuere and seisin. Also, i exchaūge it

ecutours sil ad obligation ou especialty, mes en chescun case lou le testatour puis-sote gager son leye, nul action gist vers executour. Vide pluis de ceo deuaunt tytulo Administrators.

Exchaunge est lou vne home est seisy de certeine terre. Et vn auter home est seysy de auter terre, si ils per vne fayt indente ou sauns fayt, si les terres sount en vne countye, exchaunge lour terres issint que chescun de eux auera aut' terre a luy issynt exchaunge in fee, fee tail, ou terme de vie, ceo est appel, vn exchāge, et est bon sans liuere et seysyne. Auxi in exchaunge il

couiēt

couiēt que les eſtates a eux limitte per lexchange ſont egalles, car ſi vne ad eſtate in fee in ſa terre, & lauter ad eſtate in auter terre forſq; pur term de vie ou en taile, dōques tiel eſchange eſt voide, mes ſi les eſtates ſont egalles, & ſes terres ne ſont de egal value, vnc̄. lexchāge eſt bone. Auxi vn exchange de rent pour terre eſt bon Auxi exchaunge inter rent & comen eſt bō, et ceo couient eſte per fait. Auxi il couient touts foits que ceux parols exchaunge, ſont in le fait ou auterment rien paſſa per le fayt ſinon que il ayet liure & ſeiſin.

Excommengemēt eſt

beehoueth that the eſtates to them limitted by therchange bee egall, for yf one haue an eſtate in fee in his Land, and the other hathe eſtate in the other land, but for terme of lyfe or in tayle, then ſuche eſchaunge is void, but if the eſtates bee egall, and the landes bee not of egall value, yet the exchaunge is good. Alſo an exchaunge of rēt for Landes is good. Alſo an exchaunge betweene rent and commē is good and that oughte to bee by deed. Alſo it behoueth alway, that theſe wordes (exchaunge) be in the deede, or els nothing paſſeth by the deede, except that hee haue liuere and ſeyſin.

¶ Excommengement is

to

to saye in latine, excommunicatio, & it is where aman by the iudgement in court christē is accursed, then he is disabled to sue any action in the kinges courte and if hee remain excommunicate. xl daies and wil not be iustified by his Ordinarye, then the Byshoppe shall sende hys letter pattent to the Chaūcellour, and therupon it shalbe commaunded to the shyriffe to take the bodye of hym ý is accursed, by a writte called de Excommunicato capiendo till hee hath made agreemente to the holie churche for the contempt and wrong, and when hee is iustified and hathe made greemente, then the bishop shal send his letters to the kynge,

adire in latine, excōmunicatio, & est lou vn home p la iudgemēt in court christiā est excommenge, dōque il est disable desuer ascun action en le court le roy, & sil remaine excommenge xl. iours, & ne voyle este iustifie p son Ordinary, donq; leuesq; mandera sa letter patent al Chauncellor, & sur ceo serr' maūd al vic. de prendre le corps lexcommenge p vn briefe appell de Excommunicato capiendo, iusq; il ad fait gree al sainte esglise pour le contempt & tort, & quaunt il est iustifye, & ad fayte gree, donque leuesq; maundera la letter al roy, certifient ceo, & donqs serra maunde

al viscount de luy de liuer p vn brief, appel de Excommunicato deliberando.

Execution est, lou iudgement est done en ascun actiō que le plaintife recouera la terre, le det ou dama ges come le case est, & quant ascun briefe est garde de luy mit-ter en execution, ceo est appel brief de Ex ecution, et quaunt il ad le possession de le terre, ou est paye de dette ou dammages, ou ad le corps le def. agarde al prison, don que il ad executiō & si le ple soit en coūty ou court barron ou hundred & ils alie-nont le iudgement in fauour del partye, ou per auter encheason,

certifiyng the same, and then it shalbe commaun-ded to ỹ shirife to deliuer him by a writ called Ex-cōmunicato deliberādo.

¶ Execucyon is where iudgement is geeuen in any action that the plain tife shall recouer the lād the debt or damages as the case is, and whē anye writ is warded to putte him in possession ỹ is cal led a writ of Execution, & when hee hath the pos-session of the lande or is payd of the debt or dama ges, or hathe the body of the defendant awarded to prison, then he hath er ecution, and yf the plee be in the county or court barron or hundred and theye deferre the iudge-mente in fauoure of the partie, or for other cause

then

then the demaundaunt shall haue a writ of Executione iudicy. Also in a writ of Debt a mā shal not haue recouery of any lande but of the whyche ȳ defendant hathe day of the iudgemente yelded. And of chattelles a man shall haue execution one lye of the chatels whiche he hath day of execution sued.

donqȝ le demandant auera brief de Executione iudicij. Auxi en briefe de Det home nauera recouerye de null' terre mes de cel que le defendaunt auoit ioure de iudgement rendu. Et de chateux home auera execution solement des chateux, queux il auoit iour de execution sue.

Extinguyshemente is, where anye Lorde or anye other hathe anye rente goynge oute of anye lande and hee pourchaselethe the same lande so that hee hathe suche estate in the lande as hee hathe in the rente then the rente is extinct, for that ȳ one maye not haue rēt going out of his

Extinguyshement est lou ascun seignyour ou ascū auter ad ascun rent issant dascun terre, & il pourchase mesme la terre, issint que il ad tiele estate en la terre, come il auoyte en le rente donques le rente est extincte pur ceo que vn ne puyt auer rent issaunte hors de son

terre demeſne. Auxy quant aſcun rent ſerra extient, il couient que le terre & le rẽt ſount en vne maine, & auxy q̃ leſtate que il ad ne ſoit defeſabl' & auxy q̃ il ad auſy bon eſtat en le terre come en le rent, car ſil ad eſtat en le terre forſque pur terme de vie ou dans, et ad vn fee ſimple en le rente donques le rẽt neſt extict, mes le rent eſt en ſuſpence pour cel temps et donq̃ apres le terme le rẽt eſt reuiue. Auxy ſi ſoit ſeigniour, meſne & tenãt & le ſeigniour purchaſe la tenauncye, donque le menaltye eſt extict, mes le meſne aũa la ſurpluſage de rent, ſi aſcun ſoyt come rent ſeck. Auxi

his own land. Alſo when any rent ſhalbee extinct, it behoueth that the land and the rente bee in one hande, and alſo that the eſtate ỹ he hath be not defeſable: & alſo ỹ hee haue as good eſtate in ỹ lande as in the rente, for yf hee haue eſtate in the lande but for terme of life or yeares and hath fee ſimple in the rente, then the rente is not extinct but ỹ rente is in ſuſpence for that time, and then after the terme, the rent is reuiued. Alſo yf there bee Lord, meſne, and tenant and the Lorde purchaſe the tenauncye, then the menaltie is extincte, but that meſne ſhal haue the ſurpluſage of the rent, if there bee any as the rent ſecke. Alſo if a manne

haue

haue a hye waye appendaunte and after pourchase the lande where in the hye waye is, then the waye is extincte: and so it is of a commen appendaunt.

¶ Exigent is a writ and it lieth where a man sueth an action personally, and the defendaunt may not be found nor hath nothing within the countye whereby he may bee attached nor distrained thē this writ shal goe forthe to the Shyriffe to make proclamacion at fiue cōnties euery one after another that hee appeare or els that hee shal bee outlawed, and if he be outlawed, then al hys goods and cattel be forfet to the king. Also in an indictement of felony ẏ exigent

si home ad chymin appendant & puis purchase le terre en q̄ le chymin est dōques le chymin est extinct, & auxi est de vn comen append'.

Exigent est vn briefe & gyst lou home sue action personel & le defendant ne puit cē troue ne ad riēs deins le countye per que il puyt este attache ne distrain donques cest briefe issera al viscont de faire proclamacyon al v. counties chescune apres auter que il appeare ou auterment que il serra vtlage & si soit vtlage, donque touts ces byens & chateux sount forfaits al Roy. Auxy en vn enditement de felony lexigent issera

apres le primer capias & auxy en capias ad computandum ou ad ſatiſſaciendum & en cheſcun capias que iſſint apres iudgement lexigent iſſera aps le primer capias & auxy en appelle de morte mes nemye en appell de robbery ou appell de maime.

Ex parte talis vide de ceo deuant titulo accompt.

Ex graui querela vide de ceo deuaunt titulo deuiſe.

Faux Impriſonment eſt vn brief & giſt lou home eſt arreſt & reſ traine de ſon libertye per vn auter encounter order de ley, donques il auera vers luy ceſt briefe per que il recouera damages, vi de plus de ceo deuant

ſhall goe forthe after the firſt capias, and alſo in a capias ad computandum or ad ſatiſfaciendum and in euery capias that goeth forth after iudgemēt the exigent ſhal go forth after the firſt capias and alſo in appel of death but not in appel of robberye or appel of maime.

¶ Ex parte talis, looke therefore beefore in the title accompt.

Ex graui querela looke therefore beefore in the title deuiſe.

Faux impriſonment is a writ, and it lieth wher a man is arreſted & reſtrained from his libertye by another agaynſte the order of the law, then he ſhal haue againſte hi this writ wherby he ſhal recouer damages. Loke more there-

thereof before in the title arrest.

titulo arrest,

Faux iudgement loke therefore before in the title errour.

Faux iudgement vide de ceo deuaunt titulo errour.

¶ Fee symple is when landes or rente or other thinge inheritable is geuen to a man and to hys heires for euermore and these wordes his heyres make the estate of inhery taunce, for if lande be geuen to a man for euer yet he hathe but an estate for terme of life. Also if tenant in fee simple dy, his first sōne shalbe his heire but if he haue no sōne thē al his doughters that he hath shalbe his heir, and euery one shal haue her part, by perticiō, but if he haue no sonne nor dough ter then his next cosē col lateral of ẏ whole bloude

Fee simple est quant terre ou rent ou auter chose inheritable est done a vn home et a ses heires a touts iours ceux parols ses heires fount lestat' denheritance car si terre soyt done a home a toutes iours, vnquore il nad forsque estate pour terme de vye. Auxi si tenant en fee simple deuie son primer fites serra son heire mes sil nad fits, donques toutes les fils que il ad serront son heire et chescun auera son parte per particion, mes sil nad fits ne file donques son procheyn cosin colater' de lēt' sāk

ſerra ſon heire. Auxy ſi ſoit pier & fits & le pyer ad vn frere & le fits purchaſe terre en fee & deuy ſans iſſue donque ſon vncle auera le terre & nemy ſon pyer pur ceo que terre puit lineally deſcende & nemy aſcend mes ſi luncle deuye ſauns iſſue donques le pyer aũa la terre cõ heire al vncle q̃ eſt ſon frere pur ceo que il vyent al terre per collateral dyſcent & nemy p̃ lineal aſcẽc̃. Auxy ſi le fites pourchaſe terre en fee ſimple & deuye ſans iſſue ceux de ſon ſanke de partie ſon pyer auera le terre, mes ſil nad heir de pt̃ le pier dõq̃s le terre diſcende al heirs de part ſa mere, mes ſi terre dyſcende

ſhall bee hys heyre. Alſo yf there bee father and ſõne and the father hath a brother, and the ſonne purchaſeth landes in fee, and dyeth without iſſue, then his vncle ſhall haue the landes and not the father, for that the lande may lineally diſcende & not aſcende, but if the vncle die without iſſue, then the father ſhal haue the lande as heire to the vncle which is his brother for ẏ that he cõmeth to ẏ land by collateral diſcent & not by lineal aſcencion. Alſo yf the ſonne purchace land in fee ſimple and dye withoute iſſue they of his bloude on the fathers ſide ſhal haue the lande, but if hee haue no heire on the fathers ſide, then the lande ſhal diſcẽd

to

to the heires one the mothers side, but yf landes discende to the sonne on the fathers side and he dieth without issue then ỹ heirs one the fathers side shal haue the lande, but if he haue no heires on ỹ fathers side, the heirs on the mothers side shal not haue the lande, but ỹ lord of whom the lande is holden shal haue them by escheate, and the same lawe is if lande discende to the sone on the mothers side Also yf there bee manye brethern, and if any one of them purchase lande in fee, and dye without issue, the lande shal discend alway to the eldest brother for that ỹ bee is most worthye of bloude. Also no man shall haue land in fee simple by dis-

al fits de parte le pyer & il deuye sauns issue donques les heires de parte le pier aueront le terre, mes sil nad heire de parte le pyer les heires de parte le mere nauerõt le terre mes le seygnour de q̃ le terre est tenus les aũ per eschete, et m̃ le ley est si terre discend' al fits de part le mere. Auxy si sount dyuers freres & si ascune de eux pourchase terre en fee & deuye sauns issue le terre dyscent dra toutes foites a le pluis eisne frere, pour ceo que il est pluys dygne de sank. Auxy nul home auera terre de fee simple per dyscent come heire a ascun home sinon que il soyt heyre de lentre sanke, car si home

ad

ad issue fits et fille per vn ventre. s. p vn fēe & fits per auter feme & leisne frere pourchase terre en fee & deuye sans issue le puisne frere nauera le terre mes la sore auera la terre pour ceo que el est de lentre sanke al eysne frere. Auxy en le case auan dit, si le pier deuie seisye de terre en fee simple & leisne fits entra & murrust sauns issue la file auera le terre et nemye le puisne frere, mes si leysne fytes ne entra apres la mort son pyere, mes deuye deuaunte ascun enter pour luy fayt, donques le puysne frere auera la terre car possessio fratris in feodo simplici facit

cent as heire to any man excepte ẏ he be heire of ẏ whole bloud, for if a man haue issue a sonne and a daughter by one wēter ẏ is to saye by one wife, & a sōne by another wife, & ẏ eldest sōne purchasethe lands in fee & dieth wout issu, ẏ yōger brother shall not haue the land, but the doughter shal haue ẏ lād for ẏ ẏ she is of ẏ whole bloud to ẏ eldest brother. Also in ẏ case before said if the father dye seised of lādes in fee simple & ẏ eldest sōne doth enter & dieth wout issue, ẏ daughter shal haue ẏ lād & not ẏ yōger brother, but if ẏ eldest sōne enter not after ẏ deathe of hys father but dye before any entre made by him, then ẏ yonger brother shal haue the lande,

land, for ỳ possession of ỳ brother in fee simple maketh ỳ sister to be heire.

sororem esse heredem.

¶ Fee tayle is where lande is geeuen to a man and hys heires of his bodye begotten and hee ys called tenant in the taile general, but if landes be geeuen to the husbande and the wyfe and the heyres of theire two bodies, begotten, then the husbande and the wyfe bee tenantes in the tayle especiall, and if one of them die hee that survyueth is tenaunt in tayle after possibilitye of issue extynct, and yf he make waste he shall not bee impeached for that waste, butte yf landes bee geeuen to a manne and to hys heyres that hee en-

Fee tayle est lou terre est done a vn home et a ces heirs de sõ corps engendres, & il est dit tenaunt en la taile general, mes si terre soit done al baron & feme & al heirs de lour deux corpes engendres, ore le baron & la femme sont tenantes en le taile especyal. Et si vn de eux deuye cesty que survuiue est tenant en le tayle apres possibilitye dyssue extinct, & sil face waste il ne serra en peche de cel waste, mes si terre soyte done a vn home & a ces heires que il

ne

engender de le corps ſō femme donques le baron eſt tenant en le taile eſpecial & la fēm nad riēs. Auxi ſi terre ſoit done al baron & ſa feme & ales heires de corps le baron en gendres donques le baron ad eſtate en leſ pecial taile & le feme nad eſtate forſq̄ pur terme de vye, mes ſi terres ſount done al baron & ſa femme & a les heyres queux le barron engender de corps celuy femme, en ceſt caſe ambideux ount eſtate en le tail pour ceo que ceſt parols heires nē lymyt a lun plus que a lauter, mes ſi terres ſont doñ al baron & ſa femme & a les heires le barō queux il engender de corps ſa feme dōques engendrethe on the body of his wyfe, then the hulbande is tenaunte in the taile eſpecial and the wyfe hath nothinge. Alſo yf landes be geeuen to the hulbande and to hys wife, and to the heires of the body of the hulbande engendered, then the hulband hath an eſtate in ẏ eſpecial taile and ẏ wyfe hathe noe eſtate but for terme of life, but if landes be geuen to the hulband ⁊ his wife and to ẏ heires which the hulbād engendreth vpon the body of ẏ wife, in this caſe both they haue eſtate in ẏ taile for ẏ theſe wordes heires dothe not lymit to one more thē to another but if landes be geuen to ẏ hulband ⁊ his wife ⁊ to the heires of the hulband which hee ſhal engender

then

of the bodye of hys wyfe thenne shee hathe none estate but for term of life Also there bee dyuers other estates in the tayle, as if landes be geuen to a man and to his heires males of his body begotten, in suche case the issu female shall neuer inherite, for if the issue male haue issue female whiche hath issue male, yet such issue male shal not inheryte by force of the taile. For it behoueth alway to conuey his discent all by the males, and the same lawe is, if landes bee geeuen to the issue female in suche manner the issue female shall neuer inheryte. Also, if landes be geuen to a man & to his heires males, or to his heirz females, then ỹ donour hath estate in fee el nad forsque estate pour terme de vye. Auxi sont diuers auters estates en le taile sicome terres sont dones a vne hõe & a ses heyres males de son corps engendres, en tiel case lyssue female ne vnqs inherytera, car si lissue male ad issue female q̃ ad issue male, vncore tiel issu male ne herytera per force del tail, car il couiet touts foits de cõ ueyer son discẽt tout per les males. Et ñ le ley est, si terres sount dones al issue female en tiel mañ, lissu male ne iammes inheritera Auxi si terres sount dones a vn home & a ses heires males ou ses heires females, dõ que le done ad estate en fee simple, pour

ceo

ceo que nest limit de que corps lissue viendra. Mes si le rol dõe terres a vn home et a ses heires males, & le donee deuie sauns issue male, donq; le cosin collateral del donnee inheritera, mes le roye reentra, & issint fuit aiudge en lescheker chamber. anñ. 18. H. 8. en vn Informacion fait vers lheir de Syr Thomas Louell chiualler. Auxi si terres sount dones a vn home & vne femme que est le file ou le cosin le donor en frank maryage donques le home & la fẽme sont tenauntes en especyall tayle, car per ceux parolx, frankmaryage, ils auerount le terre a eux, & les heires parenter eux en-

simpl', for that ẏ it is not limitted of whose bodye the issue shal come. But if the king geeue land to a mã & to his heires males, and the donee dyeth without issue male, then the cosin collateral of the donee shall not inheryte, but the king shal reentre and so it was aiudged in theschequer chãber the 18. yere of H. the. 8. in an Informacyon made agaynst the heire of Syr Thomas Louel knyght. Also if lands be geuen to a man and to a woman whiche is the daughter or the cosin of the donour in franke mariage, then the man & the womã bee tenauntes in the taile especial, for by these woordes (frãk mariage) theye shal haue ẏ land to them

and

and to ỹ heires betwene them begotten. Also in euerye gyfte in the tayle if the tenant in the tayle dye without issue whiche is inheritable by force of tayle, and noe further mencyon made in the graunte to whom the lande shall goe, then the reuersyon of fee simple shall reuert alway to the donour and hys heires. Also the donees in the tayle and theire issues, shall doe lyke seruice to the donour and hys heires, as the donour dothe to the lorde nexte to him abooue, but the donees in franke mariage shall hold quight from al maner seruice, exceptе fealtie, til ỹ fowerthe degree be past.

¶ Feoffement is where gẽdres. Auxi en chescun done en le tayle si le tenaũt en le taile deuie sauns issue, que est inheritable p forẽ del tayle, & nul ouster mencion fait en le graunt a que le terre alera, donques le reuersion de fee simple reuertera touts foyts al donour & ses heires. Auxi les donees en le taile, & lour issues ferrount tiel ser uice al donour & ses heirs, come le donor fayt a son seignioure procheyn a luy paramont, mes les donees en frank mariage tyendrount quitement de chescun manner seruice sinon fealtye, tanque le quart degree soit passe.

Feoffement est, lou

vn

vn don terre a vn au ter en fee ſimple, & quant il deliuer ſeiſin & poſſeſſiō del terr', ceo eſt vn feoffemēt, Auxi ſi vn fait done en le tail ou leſſe pur terme de vye ou pur term dauter vie, il co uient auxi de doñ li- uere & ſeyſin, ou au- terment riens paſſera p le graunt.

a man geeueth landes to another in fe ſimple, & when he deliuereth liue- rie and ſeiſin and poſſeſ- ſion of the land, that is a feoffement. Alſo, yf one make a gifte in the taile, or a leas for term of life, or of another mans lyfe, it behoueth alſo to geeue liuere & ſeiſin, or els no- thinge ſhall paſſe by the graunt.

Fee ferme eſt quant vn tenant tient de ſō ſeignior en fee ſimple rendaunt a luy le va- lue del moitye ou de tierce party ou qua- ter party ou de auter parte del terre, p an, & q̄ tient en fee fermē ne doyt e fayre auter choſe, mes ſicome eſt contein en le feffemt forſq̄ fealtye, car ceo appent a touts mañs tenures.

¶ Fee farme is when a tenāt holdeth of his lord in fee ſimple, payinge to him ẏ value of half, or of the third or of ẏ fowerth part, or of other parte of the lād, by the yere. And he ẏ holdeth by fee ferme ought to do no other thig then is cōteined in ẏ feof fement but fealtye, for ẏ belongeth to al kind of tenures.

¶ Frank

¶ Franke marvage is, when I geeue lande to a man, and his wyfe, who is my daughter, or of my bloud in frank mariage. And by vertue of these woordes they shall haue the Lande to them, and to theire heires of theire body, which is an especyal taile. And I shall doe al seruices durynge the same terme to the Lorde of whom &c. And the husband and his wife shalbe accompted in the first degree, and theire issues in the second degree, and so forth. But it is saide ỹ the donees in franke mariage shal doe fealte to ỹ donoure beefore the. iiij. degree is past.

Franke mariage est quant ieo don terres a vne home & sa femme, que est ma file, ou de mon sank in franke mariage & per vertue de ces parolx ils aueront le terre a eux & a les heires de lour deux corps, que est vne especiall taile, & ieo ferra touts les seruys duraunt le dit terme a le seigniour de que &c. & le baron & la femme serront accomptes en le primer degree, et lour issues in le. ij. degree, & issit ouster, mes il est dyt que les dones in frák mariage serront fealtie a le donour deuant le quart degree soit passe.

¶ Franke almoygne is where in auncient tyme

Franke almoygne est lou en auncyent

I. j. temps

temps terres fueront dones a vn abb. & sō couent, ou a vn dean & le Chapit', et alour succeſſors in pure & perpetuall almoigne, ſauns expreſſe aſcun ſeruyce certeine, ceo eſt franke almoigne & ils ſount tenus deuaunt dieu de fair oraſons & prayers pur lalme le donor & ſes heires, et pour ceo ils ne ferrount fealtie, et ſi tiels que ont terres in franke almoygne ne font aſcun prayers ne deuine ſeruice pour les almes le donour, ils ne ferront p les donors a ceo compelles, mes pur ceo ils poyent cōplain al ordinary, luy prayant q̄ tiel negligēce ne ſoit pluis auant, & lordi dinarye de droit ceo doit faire.

lands were geuen to an Abbot and his couent, or to a Dean and the Chapiter, and to theire ſucceſſoures, in pure and perpetuall almes, without erpreſſynge anye ſeruice certayne, thys is franke almoygne, and ſuche are boūd before god to make orayſons and prayers for the ſoule of the donoure and hys heyres, and for that they doe no fealtie, & yf ſuche that haue landes in franke almoigne doe make noe prayer nor deuine ſeruice for ȳ ſoules of the donours, they ſhal not bee compelled by the donours to do it, but for that they may complain to the ordinary, praying hym that ſuche neglygence bee no more after and the Ordynarye of ryghte ought to doe it.

But

But if an Abbot &c. holdeth Lands of his Lorde or certaine deuine seruice to be don, as to sing euery Frydaye a masse, or to do some other thing of such deuine seruice bee not done, the Lorde may distrayne, and in suche case the Abbot oughte to doe fealtye to the Lord, and therefore it is not sayde tenure in franke almoygne, but tenure by deuie seruice, for non tan holde by franke almoygne, yf anye certain seruice be expressed Also, yf an Abbot that holdethe of hys Lorde in franke almoigne, aliene the Lande to a seculer man &c. in thys case the seculer man shall doe fealte to the Lorde.

Mes si vne abbe &c. tient terres de sō seigniour pour certeyne deuyne seruice de estre fait, come de chaūter chesc̄ venderdye vn masse, ou de faire auter chose certeyne si tiel deuine seruyce ne soit fait le seignyour puit distreiner, & en tiel case labbe doit faire a le seigniour, fealte, et pur ceo il nest pas dit tenure in frāk almoygn̄, mes tenure per deuyne seruyce, car nul puit tener in franke almoygne, si soit expresse ascū certein seruice. Auxi si vn abbe q̄ tient de sō seignior in franke almoigne, alien a vn seculer le terre &c. in c̄ case le seculer ferra fealtie a le seigniour.

Auxi, ſi home a cel iour grant terre a vn abbe in frank almoigne, les parols (frank almoigne) ſont voides p̄ leſtatute. Quia emptores &c. q̄ null ne puit graunt terres infee, a teñ de luy m̄ mes le roye puit doner a cel iour terres in frank almoigne, et nul ne puit tener terres in frank almoigñ dauter donour, mes per title de preſcripc̄, & le donour que eſt ſon ſeignyour eſt tenus de luy acquit' de cheſcū maner ſeruic. de aſcun ſeignior paramount, & ſil ne acquite, mes luy ſuffer deſte diſtreine, il aūa vers ſon ſeigniourvn brieſe de meſne, & recoūa vers luy ſes coſtes & ſes dāmages.

Alſo yf a man graunte lād at this day to an Abbot in franke almoigne, theſe wordes (franke almoygne) are voyde by ẏ ſtatute. Quia emptores &c. ẏ no man may graūte lande in fee to holde of himſelfe. But the kyng may geue landes at this day in frank almoigne, & none may hold lande in frank almoigne of anye other donour but by title of preſcription, & the donor which is his Lord, is bound to acquite him of euery kinde of ſeruice of anye Lord aboue. And if hee do not acquite hym, but ſuffer him to be dyſtrained, hee ſhall haue a writ of Meſne agaynſte his Lord, and recouer agaynſte hym his coſtes & dammages.

¶ Formedone is a writt and it lieth where the tenaunte in the tayle enfeoffeth a straunger and dyeth the heire shal haue a writte of formedone to recouer the lande, but there bee three maner of formedones: One ys in the discender, and that is in the case beefore saide. Also yf one geeue Landes in the tayle, and for defaute of issue the remainder to another in the tayle, and that for defaute of suche yssue the lande shall reuert to the donoure, yf the firste tenaunt in tayle dye without issue hee in the remainder shal haue a formedon in the remainder but if the tenaunte in the tayle dye wythout issue, and he in the remainder also dye wout issue,

Formedone est vn briefe & gist lou tenaunte en le tayle enfeoffa vne estraunge, & deuye, le heyre auera briefe de Formedō pour recouer la terre, mes sont trois briefes de formedone, vn est in le discender, et ceo est in la case auantdit Auxi si vn done terre in le tayle & pur defaut dissue le remaynder a vne auter in la taile, & q̄ pur defaute de tiel issue, la terre reuertera al donoure si le primer tenant in le taile deuye sans issue cesty en le remainder auera vn brief de formedon en le remainder, mes si le tenaunte en le taile deuye sans issue, & cestuye en le remainder auxi deuie sauns issue donques

le donour ou ces héires auera vn formedõ in le reuerter.

Forger de faux fayts est vne briefe & gist lou vn forge vn faux fait & le face publier pur trouble la droyte possession & tytle dascun hom, donques le parte greue auera cest bryefe & recouera ses dammages & la defendant ferra fyne al roy.

Fealtie serra fait in tyel maner. s. le tenát tyendra sa mayn dex ter sur vn liuere et dir ra a son seigniour, ieo a vous serra foyal & loial, & foy vous portera des tenements q̃ ieo claime de tener de vous, & loyall vo⁹ ferra les customes & seruyces que fayre vous doye ad termes

than the donoure or hys heires shal haue a formedone in the reuerter.

¶ Forger of fals deedes is a writte, and it lyethe where one forgeth a fals deed & maketh it to be published for to trouble the right possession & tytle of any mã, thẽ ỳ pte greued shal haue this writte, and shal recouer damages, & the defendant shal make fine to the king.

¶ Fealtie shalbee doone in such maner, that is to say, ỳ tenaunt shal holde his right hande vppon a boke, & shal say to his lorde. I shalbe to you faythful & true, I shal beare to you faith for the landes & tenemẽt, which I claime to holde of you, & truelye shal do to you ỳ customs & services that I ought to

doe to you at the termes assigned, as so helpe me god and all saintes, and shall kys the booke, but he shal not kneele as in doing homage, and therof looke after in the title homage. Also fealtye ys incident to all maner tenures.

¶ Felony is when a mā without anye coloure of the lawe taketh awaye pfully the goodes of an other to the entent that hys deede shoulde not be knowen amountinge to the value of xy.d. or more, but yf one come nye to the person of another, and robbethe hym of his goodes althoughe theye bee but to the value of a peny it is felony & ys called roberye, and for that he shalbe hāged.

assignes si come moye eyd dieu & ses seintes et basera la liuere, mes il ne genulera come il ferront homage & de ceo vide apres en le tytle homage. Auxi fealtye est incydent a toutes maners tenures.

Felonye est quaunt home sans ascune colour de leye enbloye pryuement les byens vne auter al entent q̄ son fait ne ferroyt conus amountaunte al value de xij.d. ou plus mes si vn approcha a le person vn auter & luy robba de ses biens mesque ils ne founte forsque al value de vne denyer il est felonye & ceo est appell robberye & pur ceo il serra pendu.

Auxy rape eſt felony & ceo eſt quaunt vne rauyſhe & defoyle aſcune femme encon- ter ſon agreement de meſne.

Alſo rape is felonye, and ỹ is when one rauiſheth or defoyleth any woman againſt her owne wil.

Fieri facias eſt vne briefe iudicial & giſt lou home recouera det ou dammages in court le roy donques il auera ceſt briefe al vicont luy commaun dant que il leuye le det & les dammages des byens celuy que ad perdꝰ et gyſt tou- tes foites deins lan et iour, & apres lan luy couyent de ſuer vne ſcire facias, & ſil ſoyt garne, et ne vyent al iour &c. ou ſil vient & ne ſauay rien dire, donques celuy que re couera auera bryefe de fieri facias directe al vicount que il face

¶ Fieri factas is a writt iudicial, & it liethe where a man recouereth debt or dammages in the kings courte, then he ſhal haue this writte to the ſhiriffe commaunding him that hee leuye the debt and da mages of ỹ goods of him that hath loſt, & it lyeth alwais within a yere and a day, and after the yere he muſt ſue a ſcire factas and yf hee bee warned, & doth not come at the day &c. or yf hee come, and can ſaye nothing, then he whiche recouereth ſhall haue a writte of fieri fa- cias directed to the Shi- rife, that hee make hym haue

haue execucion of iudgement, but if a man recouer agaynste a woman and shee take a husbande within the yere and the day, then he that shal recouer must haue a Scire facias against ỳ husband so it is yf a man of religion recouer and diethe his successour within ỳ yeare shall haue a scire facias. See therof more in ỳ title scire facias, and title execucion.

¶ Garde is when anye infant whose auncestour holdethe of a Lorde by knightes seruice is in ỳ warde of the lorde. Also there bee diuers writtes of warde, one is a writte of righte of warde & that lyethe where the tenante dyeth, his heyre within age, and a straunger en-

luy auer execucyon de iudgement, mes si hõe recouera vers vn femme & el pryst baron deins lan & le iour donques il couient que cestye que recouera auera scire facias vers le baron. Auxy est si home de religion recouer & de uye son successour deins lan auera Scire facias. Vide de ceo plus in la tytle Scire facias, & tytle execucion.

Garde est quaunt ascun infaunt que aunceſtour tyent de son seignor per seruice de chiualer ẽ en le garde son seigniour. Auxy sont dyuers briefes de garde, vne est briefe de droit de garde & gist lou le tenaunt de uye, son heire deyns age & vne estraunge

entra

entra in le terr' et hap pe le garde de corps de lenfant, briefe de- iectment de gard giſt lou hom̃ eſt ouſte de la gard la terre ſans le corps de lenfaunt, br de rauiſhm̃t de garde gyſt lou le corps eſt priſe de luy ſolem̃t & nient le terre. Auxi ſi vn tenant tient de diuers ſeignours diuers terres celuy ſeygnour de que il tient per pri oritie, s. per plus aun- cien tenure auera la garde del enfant, mes ſi vn tenure ſoit auxy auncien que laut' don ques celuy q̃ prymes happa le garde del corps auera le garde de ceo, mes in c̃ caſe cheſcũ ſeignior auera le gard del terre q̃ eſt ten' de luy, mes ſi vne tient de roy in chiefe donques le roye per

entreth into the lande, & hapneth to haue the war de of the bodye of the in- fant, a writ of etectment of ward lieth wher a mã is put out of the warde of the lande without the bo dy of the infant, a writte of rauiſhment of warde lyeth wher the body is ta ken from him onely and not the lande, alſo yf a te nant holde of dyuers lor- des diuers landes, ẏ lord of whom the land is hol den by priorytye, that is to ſay, by more elder te- nure, ſhal haue ẏ warde of the infant, but yf one tenure bee as olde as an other, then he ẏ firſt hap- peth to haue ẏ ward of ẏ body ſhall haue ẏ warde therof, but in ẏ caſe eũy lord ſhal haue ẏ ward of ẏ land ẏ is holden of him but if a tenãt holde of ẏ

king

king in chief, than ỳ king by his prerogatif shal haue the ward of ỳ bodye, & of al the land ỳ is holden of the king, and of euery other lorde.

¶ Garrãty of charters is a writ, & it lieth where any deed is made ỳ cõprehendeth a clause of warrãtye, ỳ is to say, dedi, or cõcessi, or this word warrãtizabo, & if ỳ tenãt be impleded by a stranger, if it be in assise, or such action where he may not vouch to warrantie, thẽ he shall haue this writ agaynste his feffor or his heir, & if ỳ land be recoũed againste him hee shal recouer as much lãd in value against him ỳ made the warrãty but this writ ought to be sued hanging ỳ first writ againste hym, or els he hath lost his aduaũtage.

son prerogatiue auera le garde de corps et de tout le terr' que est tenus de roye & de chescun auter seignour.

Garranty des charters est vne br' et gyst ou ascun fait q̃ comphend clause de garr's. dedi ou concessi ou cest parol warrantizabo et le tenaunte soit implede p vn estrãge si soit in assise ou tyel action ou il ne puyt vouch a garrant, dõq; il auera cest br' vers son feoffor ou sõ heir & si terre soit recouer vers luy il recoũa tãt del terre in value vers cestye q̃ suist le garr'. mes cest brief couyẽt este sue pendaunte le prim̃ briefe vers luye ou auterm̃t il ad ꝑde son auantage.

Auxy

Auxi ſur garrante en ley come ſur homage auceſtrel ou rente reſerue ſur leſſe a terme de vie ou en le tayle home auera briefe de garr' de charter, mes nemy ſur eſchange.

Garrantie eſt in ij. maners. s. garrauntye lineall & garrauntye collateral. Garrantye lineal eſt lou hom̃ ſeyſie in fee, fayt feoffement per ſon fait a vn auter & oblyge luy & ſes heires a garraunte & ad iſſue fyts & murruſt & le garrauntie deſcend a ſon fits, ceo eſt lineall garrauntie pour ceo que ſi nul fait oue garrantye vſt eſte faite donques le droit des terres diſcenderoyte al fits & il conueyeroyt le diſcent de le pyere

Alſo vpõ a warrãty in ẏ law, as vpon homage auceſtrel or vpõ rent reſerued vpõ a leas for terme of life or in ẏ taile a man ſhal haue a writt of warrãtie of charters, but not vpon eſchange.

¶ Garrantie ys in two maners, ẏ is to ſaye garrantie lineal and garrãtie collateral. Garranty lineal is where a mã ſeiſed in fee, maketh a feoffement by his deed to an other and byndeth hym and his heires to warrãty and hath iſſue a ſonne & dieth, & the warrauntye diſcẽdeth to his ſonne ẏ is lineal warranty for ẏ ẏ if no deed w̃ warranty had be made, then ẏ right of ẏ landes ſhoulde haue diſcended to the ſonne, & hee ſhoulde conuey ẏ diſcent from the father to ẏ ſonne

but yf the enaunt in the taile discontinue the tail and hath issue and dieth, and the vncle of the issue releaseth to the discontynue wyth warrantie &c. and dyeth without issue, that is a collateral warrantie to the yssue in the taile, for ỳ, ỳ ỳ warranty descẽdeth vpõ ỳ issue the whiche maye not conuey him to ỳ taile by meane of his vncle, & in euerye case wher a man demaũdeth landes in fee tayle by writ of Formedone, yf any of the issue in the tayle whiche hathe possession, or whiche hathe not possession makethe a warrantie, and hee that suethe the writte of Formedone may by possibilitye by matter that may bee in that deede conuey

a le fits, mes si tenant en le tail discontinua le taile, & ad issue & deuye, & luncle del issue relessa al discontinue oue garraunte &c. et moruſt sauns issue, ceo est collaterall garraunty al issu en le tayle, pour ceo que le garraunty discende sur lissue, le q̃l ne poit soy conueier a le taile per le meane de son vncle. Et en chescun case ou hõe demaunda terres en fee tayle per bryefe de Formedõ, si ascun del issue en le tayle que auoit possession ou que nauoit possession fait vn garranty et cesty que sua le br̃ de Formedon puyt per possibylitye per matt' q̃puysoyt este in fayt conueyer a luy

a luy title p force del done p celuy q̄ fiſt le garrantie &c. ceo eſt donq; vn line al garrantie, et p tiel lineal garrantie, liſſue in le taile ne ſerra barre, mes ſi non que il ad aſſets a luy deſcend? in fee ſimple. Mes ſil ne puit p nul poſſibilitie que puit eſte, cōueyer a luy tytle per force del dōe p celui qui fiſt le garrannty, dōq; ceo eſt vn collateral garrantie, et per tiel collaterall garrātie, liſſue in le tail ſerra barre ſauns aſcun aſſets. Et le cauſe que tiel collaterall garrātie eſt barre al iſſue in le tayle, eſt pour ceo que touts garranties deuaunt leſtatute de Glouceſter, queux deſcendaunt a ceux

to him title by force of ỹ gyfte by hym ỹ made the warrantie &c. that is the a lineal warrantie, & by ſuch a lineal warrātie, ỹ iſſue in the taile ſhal not be barred, except that he haue aſſets to hi diſcended in fee ſimple. But yf hee maye not by no poſſibilitie ỹ may be, cōuey to hi title by force of ỹ gift by hi ỹ made the warranty then that is a collaterall warrantie, and by ſuche a collaterall warrantie, the iſſu in the taile ſhalbe barred without anye aſſets. And the cauſe that ſuche a collaterall warrantie is a barre to the yſſue in the tayle, is for that, that al warrantyes before the ſtatut of Glouceſtre, whiche deſcended to them which be heyres

to

to them that made the warrauntes, were barres to the same heires, to demaunde anye landes, except the warrantye, ꝑ began by dysseysin, and for that, that the said statute hathe ordeined, that the warrantye of the father shalbee no barre to his sonne for the landes whiche come of the heritage of the mother, nor the warrantie of the mother shalbee no barre to the sonne for the landes whiche come of the heritage of the father, & the statute hathe not made, nor ordeyned remedye ageynste the warrantie that is collaterall, to the yssu in the tayle, and therefore the warrantie that is collaterall to the issue in the tayle, is yet

q̃ux sõt heires a eux q̃ sesoyent les garrauntyes fueront barres a mesme les heires a demaunder aseuns terres forspryse les garranties que commense per dysseysine, et pour ceo que le dyt estatute ad ordeyne que le garrantye le piere ne serra barre a son fites pour les terres que veigne del heritage le mere, ne garraunty le mere ne serra barre al fites pour les terres que veigne del herytage le pier, et lestatut nad fayt ne ordeyne remedye encounter le garrauntye que est collaterall al yssue en le tayle, et pour ceo le garrauntye que est collaterall al yssue en le tayle, vncore est

in

in ſa forc̄ et ſerr'barr' al iſſue in le taile cōe il fuit deuant leſtatut Auxi il couyent que toutes garranties per que aſcun heire ſerra barre, que le garrante deſcende per cours del comē ley a celuy qui eſt heir a luy qui fiſt le garr' ou auterment il ne ſerra barr' car ſi le tenaunt in le tayle des terres in bo rowengliſh lou le puiſne fits inheriter per la cuſtome diſcontinua le taile & ad iſſu deux fitz, & luncle releas al diſcontinue oue garrauntie & deuye, & le puiſne fits porte Formedone, ynquore il ne ſerra barre par tyel garrauntye, cauſa qua ſupra. Auxy ſi aſcun home fayt aſcun fait

in his force, & ſhallbee a barre to the yſſue in the taile, as it was before ỳ ſtatute. Alſo it behoueth ỳ al warrāties whereby any heire ſhalbe barred, ỳ the warrāty diſcend by ỳ courſe of the cōmē law to him whiche is heire to him ỳ made ỳ warranty, or els it ſhalbe no barre, for if ỳ tenant in ỳ tayle of landes in borowe Engliſh, where the yongeſt ſonne ſhall inherite by ỳ cuſtome diſcontinueth ỳ tayle, and hathe iſſue. ỳ. ſonnes, and the vncle releaſeth to the diſcontinue with warrantie & dieth, and the yonger ſonne bringeth a Formedone, yet hee ſhal not bee barred by ſuche warrantie, cauſa qua ſupra. Alſo yf any man make any dede

with

with warrantie wherby hys heire should bee barred, and after hee ẏ made the warrantie be atteint of felonye, than his heire shall not bee barred by suche warranty, for that ẏ such warranty mighte not discēd vpon him, for ẏ that the bloude is corrupt. Also yf ẏ sonne purchase landes, & after let the landes to his father for terme of yeres, & the father by his deede ēfeoffeth a straūger, & bindeth him and his heirs to warrantie, & the father dieth wherby ẏ warrātie descēdeth to ẏ sonne, yet thys warranty shal not barre ẏ sōne, but the sōne may wel enter notwͤstanding thys warrantie, for that ẏ thys warrantie began by disseysin whē ẏ father

oue garrantie, per q̄l sō heire serroit barre & puis cesty que fyst le garrātie soit attaīt de felony, donq; son heire ne serra barre ꝑ tiel garrantie, pur ceo que tiel garraunt ne puit discēder sur luy, pur ceo que le sanke est corrupt. Auxi si le fits purchase terre, & puis lessa le terre a sō pier pur terme dans, & le pier per son fait de ceo enfeoffa vne estraunge & oblyge luy & ses heires a garrant', & le pier deuie, ꝑ quel le garrant' discende al fits, vnc. cest garrant ne barra my le fits, mes le fits bien puit entre nient obstāt cel garr' pur ceo que cest garrauntye commensast per dysseysin, quaunt le pier

fist le feoffemẽt que fuit vn disseisin al fits & cõe est dit le pyer, issint puit este dit de chescũ auter auncestour. Et m̃ le ley est si tenant p Elegit, ou p statute marchaunt fait ascun feoffemẽt oue garrauntie, tyels garranties ne serront barres, pour ceo q̃ ils cõmẽsont p disseisin.

Gager de deliuerance est, lou vn sua repleuin des bñs prise mes il nad deliũe des biẽs, & lauter auowa & le pleintife monstre q̃ le defẽd' est vn core seisie &c. & pria que le defendant gagera deliuerance, dõques il mittera eyns suerty ou pledge pur redeliueraũce, & br' issera al vicount pur

made ỳ feoffemẽt which was a disseisin to ỳ sõne, and as it is said of the father, so it maye be sayde of euerye other auncestour. And the same law is, if tenaunt by Elegit, or by statute merchaunt make a feoffement with warrantie, suche warrãtise shall bee no barres because they begin by disseisin.

¶ Gager de deliuerance is, where one sueth a repleuin of goodes taken, but hee hathe not the deliuerye of the goods, and the other auoweth, and ỳ pl̃ shewethe, ỳ the def. is yet seised &c. and prayeth that the def. shal gage the deliuerance, than hee shal put in suertie or pledges for the delyuerance, and a writ shal go foorthe

foꝛthe to the sherife foꝛ to redeliuer ẏ goodes &c. but yf a man claime pꝛoꝑtie, hee shal not gage the delyuerance. Also yf he say that the beastes be dead in the pounde, hee shall not gage &c. Also a man shal neuer gage the deliueraunce beforꝛe that they bee at yssue, oꝛ demurrer in the lawe as it is saide.

¶ Garnishment is, if actiõ of detinue of charters be bꝛought agaynst one, & the def. saith ẏ the charterꝛs were deliuered to hi by the pl' and by an other vpon certain conditions and prayeth ẏ the other may be warned to plede with the pl' yf the conditions be perfourmed oꝛ no, and thereupõ a writ of Scire facias shall goe

redeliuer &c. mes si home claime ꝑperty il ne gagera delyueraunce. Auxi sil dyt q̃ les auers sõt mort' en pound, il ne gagera &c. Auxi home ne gagera iammais le deliueraunce auantque ils sont a issue ou demurrer in ley vt dicitur.

Garnishmente est, sicome vn action de detinue des charters est port vers vn, & le defendãt dit que les charters fueront deliuer a luy p le pleintife & p vn auter sur certeine condicions, & preye que lauter soyte garnye de pleder oue le pleyntyfe si les conditions sont perimples ou nemye, et sur ceo vne briefe de Scire facias issera

vers luy, et ceo est appell vn Garnishm̃t.

Graund Cape, vide de ceo aps titulo Petit Cape.

Graunde serieanty est lou vn home tiēt de roy certein terres p le seruice de porter son báner ou laūce, ou amesner sō hoste, ou destre son caruer ou butteler a son coronem̃t & tiels sēblables, & ceo est la plus honorable seruyce & pluis digne, q̄ le tenant puit fair, & pur ceo est appel Graūd serieauntie. mes Petit serieauntie est, quant vn tient de roye luy rendant annuelmēt vn arke, vne coteau, vn launce, et tyels sēblables, et c̄ nē forsq̄

forth agaynste hym, and that is called Garnishement.

¶ Graund Cape, looke therefore after in the title Petit Cape.

¶ Graund serieanty is, where a man holdeth of the kynge certaine lande by the seruice of carying his banner or launce, or to lead his hoste, or to be his caruer, or butler at his coronation, and that is the moste honorable seruice and most worthy that a tenaunt may doe, and for that it is called graund serieauntie. But pety serieaunty is when one holdeth of the kyng, paying to him yearely a bowe, a swoord, a speare, and suche like, and that is but socage in effecte,

but

but a man cannot holde in graunde ſerieaunte or by petyt ſerieãty but of ỹ king. Alſo if a tenant by graund ſerieauntie dieth his heire being of ful age the heyre ſhall pay to the kinge for relyefe the value of the lands ouer the charges that hee paiethe to the kinge by graunde ſerieauntye, but hee that holdeth by eſcuage ſhall haue for his relyefe but C.s. Alſo thoſe that bee in the marches of Scotlande, that holdethe of the king by cornage, that is, to blowe a horne whē the Scottes enter into Englande, are tenantes in graũd ſerieantie. Alſo where a man holdethe of the kinge for to fynde a man in his warres wyth in the realme, that is cal-

ſocage en effecte, mes home ne puit tener in graund ſerieanty ne p petit ſerieantie ſinon de roy. Auxi ſi tenant p grand ſerieantie mo ruſt ſõ heire deſteant de plein age, lheir paiera al roy pur reliefe le value des terres ou ſter les charges que il pay al roy par graund ſerieantye, mes ceſty q̃ tient p eſcuage paiera pur ſon relief forſque C.s. Auxi ceux q̃ ſont en le marches de Scot land que tient de roy per cornage.s. pur vẽ- tiler vn corne quaunt les Scottes entrounte in Engleterre ſont te- nantes per graund ſer ieaunty. Auxi ou vne hom̃ tient de roy pur trouer vn home en ſa guerre deins le realm̃

ceſt eſt dit grand ſer-
geantie, pur c̄ q̄ il eſt
fait p corps dun hō̄e,
& ſi le tenant ne puyt
trouer home de faire
c̄, donq̄ il eſt tenus de
faire luy m̄. Et q̄ tient
p grand ſerieanty ty-
ent p ſeruice de chy-
ualer, & le roy auera
gard mariage & relif,
mes nemy ceux que
tient p petite ſergean-
tie, mes le roy nauera
de eux q̄ tient p grād
ſergeantie, eſcuage ſi-
non q̄ ils tient p eſcu-
age, iſſit ceux que tiēt
p grand ſerieanty ou
eſcuage tiēt p ſeruyce
de chiualer, mes vne
puit tener p grād ſer-
ieantye & nemy per
eſcuage, & p eſcuage
& nemy p grande ſer-
ieantie, mes ceſt eſt eſ
cuage nō certein & le
ſeruice de chiual' tou-
tes foites treyte a luy

ied graunde ſergeantye,
for ỳ that it is doone by a
mans body. And if ỳ te-
nāt cānot find a mā to do
it, thē he is boūd to doe it
himſelf. And he ỳ holdeth
by graūde ſerieanty hol-
dethe by knightes ſer-
uice, & the king ſhal haue
warde mariage & relief,
but not of thē ỳ holdethe
by petit ſerieanty, but ỳ
king ſhal not haue of thē
ỳ hold by graūd ſerieāty
eſcuage, except that they
hold by eſcuage. So they
ỳ holo by graūd ſerieātie
or eſcuage holde by kny-
ghtz ſeruice, but one may
holde by grand ſerieān-
tye & not by eſcuage, & by
eſcuage, & not by graund
ſerieātie, but ỳ is eſcuage
not certeine, & ỳ knights
ſeruice alwais drawethe
to him, warde maryage

and relefe.

¶ Habere facias ſeiſinā is a writ iudicial, and yt lieth where one hath recouered certain lands in the kings court, then he ſhal haue that writ directed to the ſhirifſe cōmaūding hym to geeue hym ſeiſin of the land, & it ſhal not bee returnable.

¶ Homage auncęſtrel is where a man and hys auncęſtours of tyme out of minde, did holde their lande of theyre Lorde by homage. And yf ſuche Lorde hath reſceaued homage, hee is bounde to acquite the tenaunte againſte all other Lordes aboue him of euery maner ſeruice. And yf the Tenaunte hathe doone homage to hys Lorde, and bee impleded and

gard mariage & relif.

Habere facias ſeyſynam, eſt vn brief iudicial, & giſt lou vn ad recouer certeine terres en court le roy, dō ꝙ il aūa ceſt briefe directal viconte luy cōmandant de doner a luy ſeiſin de terre, & ne ſerra retournable.

Homage auncęſtrel ē lou vn home & ſes auncęſtour de temps dount memorye ne courge, ount tenus la terre del ſeignour ꝑ homage, et ſi tiel ſeigniour ad reſceu homage il eſt tenus de acquiter le tenāt vers toutes auters ſeignors paramōt luy de cheſcun manner ſeruice. Et ſi tenaunte ad fait homage a ſon ſeygnor & ſoit implede &

vouche le seigniour la garranty, le seigniour est tenus de luy garranter, & si le tenante pde il recouera in value vers son seigñ tant des terres q̃ il auoyt al tempes de la voucher ou vnq̃ puis, mes si le seigñ nauoit resceue le homage de son tenant donq̃ si il vouche le seigñ q̃ disclaim̃ donq̃ son seignoury serra extinct & le tenant tiendra de seigñ procheyn paramont, mes vn abbe que est tiel seigñ ne puit disclaime, mesque que il nad resceu le homage de son tenant. Auxi si hõe que tient sa terre p homage auncestrel alyen le terre en fee, donque la alienee serra homage a son seignoure, mes il ne

voucheth ẏ lorde to warrantie, the lord is bound to warrant him, & yf the tenant losse, he shal recouer in value against the lord so muche of ẏ landes as he had at the time of ẏ vouch, or any time after, but if the lord hathe not resceiued homage of hys tenant, then if hee vouche the lorde that dysclaymethe, then hys lordshyp shalbee extincte, and the tenant shal holde of the lorde nexte aboue, but an abbot whyche is suche a Lorde cannot disclayme, though that hee hath not receyued homage of hys tenant. Also if a mã that holdeth his lãd by homage auncestrel alyen the land in fee, thẽ ẏ alienee shal doe homage to hys Lorde, but hee shall not

holde

holde by homage aunce-
ſtrel, for that the continu
aunce of the tenaunce in
the bloud of ỹ firſt tenãt
is diſcontinued. Alſo yf a
man ỹ holdeth by homa
ge do homage to his lorde
& after the lorde dieth, or
graunteth hys ſeruice to
an other, then the tenant
ſhal doe no more homa-
ge to the ſõne of his lord
nor to the grauntee, but
hee oughte to doe fealtye
for ỹ is incident to euery
ſeruice. Alſo if ſuche a te-
nant hathe doone homa-
ge and the lorde is imple
ded of his ſeignourye, &
leeſeth it, thẽ the tenant
ſhall bee compelled once
agayne to do homage to
hym that recouereth, for
that that the eſtate of
hym which receyued the
firſte homage is defeted.

tyendra per homage
aunceſtrel pur ceo q̃
le continuaunce del
tenancy in le ſank le
priñ tenaunt eſt dyſ-
continue. Auxi ſi hom̃
que tient per homage
fait homage a ſõ ſeyg-
nor & puis le ſeignor
deuye-ou grant ſõ ſer
uice a vne auter dõq̃
le tenant ne ferra ho-
mage auterfoites a le
fits le ſeignior ne a le
grantee, mes il couiẽt
de faire fealtie car il ẽ
incident a cheſcun ſer
uice. Auxi ſi tiel tenãt
ad fait homage & le
ſeigñ ẽ implede de ſõ
ſeignoury & pdu, dõ-
ques le tenaunt ſerra
compell de fayre ho-
mage auterfoits a céy
que recouer pur ceo
que leſtate ceſty que
reſceiuoit le priñ ho-
mage eſt defete.

Ho-

Homage serra fait in tiel maner.s. le tenant in fee symple, ou fee taile q̄ tyent p homag genulera sur ábideux genus, et le seygniour serra & tyendra les mayns son tenant inter ses maines & le tenát dira. Ieo dēueygñ vostre hom̄ de cé iour in auant] deuye & de member & de terran honor, & a vous serr' foial & loial, & foye vous portera des terres q̄ ieo claim tenure de vous, salue le foye q̄ ieo doy a nostre sñr le roy, et donques le seigniour issynt seant luy basera, mes com̄t fealtie serra fayt, vide deuant in fealtie et le seneschal le seignoure puyt prender fealtye mes nemy homage.

¶ Homage shalbee made in such maner, that is to saye ỹ tenant in fee simple or fee taile that holdeth by homage shal knele vpon both his knees, & the lord shal sit and shal holde the hands of his tenaunt betwene his handes, & the tenāt shall say. I becom your man from this day forward of life and mēber & of yearthlye honour, and to you shal be faithful and trewe, & shal bere to you faith for the landes that I clayme to holde of you, sauing ỹ fayth that I owe to our Lord the king, and than the Lord so sitting shall kisse hym, but how fealtie shal be done looke before in fealty, and the steward of the lorde maye take fealtye but not homage.

Join-

¶ Iointenants be where ij.men come to any landz & tenements by one ioint title, as if a mā giue lādz to ij.mē & to theire heires but tenants in comen be where ij.mē haue landes by seuerall tytles, and none of them knowethe hys seueral as yt shal-bee sayde after, and note wel yf there bee two or three iointenauntes, and one hathe issue & dyeth, than he and those iointe nants that ouerlyue shal haue the whole by ye suruyuour, but if ij. ioynte-nants make particion be twene them by deede by agreement, then they be seuerall tenants, but yf one iointenant graunt ye that belongeth to hī to a strāger, thā ye other ioīte-nāt & ye strāger be tenāts

Iointenants sont lou deux hōes vient a asc̄ terres ou tenementes ꝑ vn ioint title, come si hōe done terre a ij. homes & lour heyres, mes tenants in comen sont lou deux homes ont terres per seueral title & nul deux sa-uoye de son seuerall cōe serra dit apres, & nota si sount ii. ou iij. iointenants et vne ad issue & deuie donq̄ cesty ou ceux iointeñ q̄ suruesque aūa len-tiertie ꝑ le suruiuour, mes si ij. iointenaunts fount particion inter eux per fait per agree ment, dōq̄ ils sōt seue ral tenants. mes si vne iointenant grant ceo que a luy apyert a vn estranger, donq̄ lau-ter ioyntenaunt & le strange sont tenantes

en

en comē & mesque ij. tenantes en cōen sont seisie per my & p tout & nul conust son seueral, vnc̄ si vn deuye lauter nauera lentyer tye p suruiuor, mes sō heire aūa la moitye, et issint si sont iij. ioynte nauntes & vn de eux fait feffement de son parte a vn auter & le feffe deuy donque sō heire auera le tyerce parte & les auters ij. sont iointenantes cōe ils fueront pur ceo q̄ eux sont seisie per vn ioint title. Auxi si terre soit done al baron & sa femme & le baron alien et deuy le femme recouera lentierty, mes si ils fuerōt ioyntenauntes deuāte le couerture dōques en tyel case el recouera forsq̄ le moitye

in comen, and though ij. tenaūtes in comen be seised by part & by ꝑ whole & none knoweth his seueral yet if one dye, the other shall not haue the whole by the suruiuour, but his heire shall haue ꝑ halfe, and so if there bee iij. iointenantes and one of them maketh feffemēt of his parte to another, & the feffee dyeth, than hys heyre shal haue the third parte, and the other ij. be iointenauntes as theye wer, because that they ij. be seised by a ioint tytle Also if landes bee giuen to the baron and to hys wyfe, and the husband alieneth & dieth, the wyfe shall recouer the whole, but if theye were ioyntenauntes before the couerture, then in suche case

the

thee shall recouer but ꝯ halfe. Also yf lande bee geeuen to the husband & to his wife, & a third person, if ꝯ third graūt that ꝯ belōgeth to him, ꝯ one halfe passethe by thys graunt, for that, that the baron and his wyfe bee but one ꝑson in the law, & in this case theye haue nothing in right but the halfe. Also if two iointenauntes bee of landes in a towne whiche is borowe english, wher land is deuisable, & one by his testament deuiseth that, that belongeth to him, to a straūger and dieth, this deuise is void, & the other shal haue ꝯ whole by survivour, for ꝯ the deuyse may not take effect, til after ꝯ death of ꝯ deuisor, & immediate after ꝯ death

Auxi si terre soit don al baron & sa femme & al tierce, si le tierce graunt ceo que a luy appiert, la moity passa per cel graunt, pur ceo que le baron & sa femme sont forsq; vne person en le ley, & en cē case ils nont en droyt forsque le moitie. Auxi si deux iointenauntes sount des terres en vill que est borow englyshe, lou terre est deuisable, & lun per son testament deuyse ceo que a luy apiert a vn estraunge, & deuye, cest deuise est voide, & lauter auera lentiertie per suruiuoure, pour ceo q̄ le deuise ne puit prēder effect tanque apres le mort le deuysour, & immediate apres le morte

le

le deuisor, le droit de uient al auter ioynte nant per le suruiuor le quel ne claime ryens per l'deuisor, mes en son droit demesn̄ per le suruiuour, mes auterment est de parceners seisies des terres deuisables, causa qua supra.

Indicauit est vn br' & gist lou debate est parenter deux clarks in cour christien dū esglise, ou part de vn esglise per dismesque amount al meins a le value de la quart parte del esglise, & pur ceo que le patrone del clerke defendant perdra son aduowsō si le clerke le pleintif la recouera, donques il auera briefe direct al clerke le pleintyfe,

of the deuisor, the righte commethe to the other ioyntenant suruiuour, ỹ which claimeth nothyng by the deuisor but in his owne right by the suruiuour, but other wise it is of parceners seised of lādes deuisable, causa qua supra.

¶ Indicauit is a wrytte, and liethe where debate is betweene two clerkes in court christian of one Churche, or parte of a church, for dismes which amounteth at the leaste to the value of the.iiij. parte of the Church, and for that ỹ the patron of ỹ clerk of ỹ def. shal leese hys aduowson yf the clerk of the pleintife shal recouer it, hee shall haue a wrytte directed to the clerke of the pleynt, or to

the

the officers of the courte christian, them commaũdinge to cesse theire plee vntill it is discust in the kinges courte, to whom the aduowson belõgeth, and the wrytte shalbee betwene fowre personz, two shall bee patrones, and twoe shal bee clerkes, but thys wrytte is not retournable, but yf they ceasse not their suit, hee shall haue an Attachement.

Idemptitate nominis is a wrytte, and it lieth wher a writ of debte couenaunt, or accompte, or suche other wrytte is brought against a man, and an other that hathe the same name as the defendaunt hathe is taken for hym, then hee shall

ou al officers d'court christien, eux commaundaunt de cesser de lour plee, iusques il est discusse in court le Roye a que laduowson appent, & cest briefe serra inter quatre personnes. ij. serrount patrones, et ij. clerkes, mes cest briefe nest retournable, mes sils ne cessont loure suyt, il auera vne Attachement.

Idemptitate nomi nis est vne briefe, & gist lou briefe de det Couenaunt, Accõpt, ou tiel semblable br' est porte vers vne home, & vne auter que ad mesme le nosme come le defẽdant ad, est pris pour luy donques, il auera

cest

ceſt briefe, per quel le viſcount fra inquere deuaunt iuſtice aſſignes in meſme le coutie ſi ſoit m̃ le perſon ou nemy, et ſilne ſoit troue culpable donques il aler ſans iour in peace,

haue thys wrytte, by the whiche the ſyriſe ſhall make inquirie before the iuſtyce aſſygned in the ſame county, if he be the ſame perſon or not, & yf hee bee not found culpapable, then he ſhal go wout day in peace.

Ley, eſt quant action eſt port vers vn ſans eſpecialtie mõſtre ou auter matter de recorde, come actiõ de dett ſur vn contracte ou detinue, donques le defendaunt puyt gage ſa ley ſil voile. ſ de iurer ſur vn lyuer & certeyne perſones oueſq; luy, q̃ il doyt riens al plaintife in le maner & forme cõe il ad declare, mes en action de dett ſur vn leaſſe pur term dans, ou ſur arrerages de

¶ Ley, is when an action is brought agaynſte one wout eſpecialty ſhewed, or other mater of record as an action of debt vpon contract or detinue, then ỹ def. may wage his law that is to ſaye, to ſweare vpõ a booke and certain perſones with him, ỹ hee oweth nothig to ỹ plaintif in maner & fourme as he hath declared, but an actiõ of debt vppõ a leaſe for terme of yeares, or vppon the arrerages of accom-

attempte beefore audy-
tours assigned, a manne
shall not wage his lawe.
But whenne one shall
wage his lawe, hee shall
bringe with him. vi. viij.
or. xij. of his neighbours
as the court shall assigne
him, to sweare with him
And if at that day assig-
ned hee fayle of his law,
then hee shalbe condemp
ned.

de accompt deuaunt
auditours assignñ, hõe
ne gagera sa ley. Mes
quaunt vn gagera la
ley, il amesnera oues-
que luy. vj. viij. ou xij
de ses vicines, cõe le
court lui assignera de
iurer oues luy, & si
al iour assigne, il faut
de sa ley, donq; il ser-
ra condempne.

¶ Leases bee in dyuers manners, that is to saye for tearme of lyfe, for terme of yeres, for term of anothers lyfe, and at wil. Also a lease of lande is as good without deede as withe deede but in a lease for terme of lyfe, it behoueth to geue liuerye and seisin vpon the land, or els nothing shal passe by the graunt, because ỹ

Leases sont en diũs maners. s. pour terme de vie, pur terme dãs, pur terme dauter vie & a volũte. Auxi vn leas de terre est auxy bone sauns fait come per fayt. Mes en leas pur terme de vie ou dauter vie, il couient de doner liuere & sei sin sur le terre, ou au terment ryens passe-ra p le graũt, pur ceo

que ils sount appelles franktenem̃ts. Auxy vn leas de vn comen ou rent, ne poiet este bone sans fait, mes de vn ꝑsonage il est bõ sans fait, pur ceo q̃ les glise q̃ est pryncipall, puit assets bien passer sauns fait, & issint les dismes & offerings q̃ sont accessory al esgl' mes dysmes & offerings per soy, ne poient este lesses sãs fait vt dicitur.

they be called freeholds. Also a leas of a commen or rent, may not be good without deede, but of a personage, it is good w̃out deede, for that ẏ the church which is the principall, may passe well ynough withoute deede, & so the dysmes and offeringes whiche bee accessary to the churche, but dismes & offeringz by thẽ self may not be let w̃out deede as it is said.

Libertate probanda, Vide de ceo en le tytle de Natiuo habendo.

Libertate probanda, looke for that in the title de Natiuo habendo.

Mainprise est quant vn home est arrest ꝑ Capias, donq; les Iudges poiẽt deliuer son corps a certaine hões pur garder et de luy amesñ deuãt eux a c̃tain iour, & ceux sõt

¶ Maynprise is when a man is arrested by Capias, then the Judges may deliuer his bodys to certaine menne for to keepe and to bring hym before thẽ, at a certain day, and these

these be called mainpernours, and yf the partie appeare not, at the daye assigned, the maynpernours shalbe amerced.

¶Mayntenaunce, is a writ, and it lieth where anie man geeueth or deliuerethe to another that is playnetyfe or defendaunt in anye action, anye summe of money or other thing for to maintaine his plee, or els maketh extreme labour for him when hee hathe nothing therewyth to doe, then the partye greeued shall haue agaynste hym this writ.

¶Mesne is a writ, and it lieth where there be lorde mesne & tenant, and the lorde aboue distrainethe the tenaunt for ỹ seruice of the mesne, whyche oughte tacquite him to ỹ

appels maynpernors, & si le partye ne appere al iouresſigne, le mainpernours ſerrõt amercye.

Maintenaunce eſt vn briefe, & gyſt lou aſcun home done ou deliuer a vne auter q̃ eſt pleint' ou def. en aſcun acc̃ aſcun ſõme dargẽt ou aut' choſe pour mainteiner ſon plee, ou fait extreme labour pur luy quant il nad riens a ceo affaire, donques lauter partye greeue, auera vers luy ceſt brief.

Meſne eſt vn brief, & giſt lou ſont ſeignior, meſñ & tenãt, & le ſeigniour paramõt diſtreiñ le tenant pur les ſeruice le meſne q̃ luy doyt acquite al

ſeigniour paramont, donq; le tenãt auera ceſt brief vers le meſne, & ſi il ne viẽt pur acquiter le tenãt, dõque le meſne perdra le ſeruice le tenaunt & ſerra foriudge de ſon ſeigniory, et le tenant ſerra tenant immediate al chief ſeigniour, & fra meſme les ſeruice et ſuits cõe le meſne fiſt al ſeigniour.

Monſtrauerunt eſt vn briefe, & giſt pur les tenaunts en aũcien demeſne direct al ſeigniour, lui cõmaũdant q̃ il ne diſtrayne ſon tenant pur faire auter ſeruice que fair ne duiſſent, & ils poyent auer ceſt bryefe direct al viſcont que il ne ſuffer le ſeygnior diſtr' le dits tenãts

lorde aboue, then the tenant ſhal haue this writ againſt the meſne, and if hee come not to acquyte the tenãt, then the meſn ſhal loſe the ſeruice of ỹ tenant and ſhalbee foreiudged of hys ſeigniory, and the tenaunt ſhallbee tenant immediate to the chiefe lorde, and ſhal doe the ſame ſeruice & ſuites as the meſne dyd to the lorde.

¶ Monſtrauerunt is a writ, & it lieth for the tenants in auncien demeſne directed to the lorde, him commaunding ỹ he diſtraine not hys tenant for to doe other ſeruice ỹ he ought not to doe, and they may haue this writ direct to the ſhirif that he ſuffer not the lord to diſtrain ỹ ſaide tenants for

to

to doe other seruice. Also if the tenantes maye not bee in quyet theye maye haue an attachement a gainst the lord to appere before the iustice, and all the names of the tenantes shal be put in ỹ writte thoughe one of them bee greeued onelye. Also if anye landes in auncyen demesne be in variaunce betwene the tenauntes, then the tenaunt so greeued shall haue againste the other a writ of righte close whiche is called after the custome of ỹ maner, and that shall bee alwaye brought in the lordes court and for that hee shall declare in the nature of what writ hee wyll as his case lyethe, and this writte shal not bee remooued but for a

pur faire auter seruic̃ Auxy si le tenauntes ne point este en quiet ils poient auer vn attachement vers le seignior dappearer deuant les iustice & toutes les noſmes des tenaunts serrount myse en le brief mesque vn de eux soit greeue solement, Auxy si ascun terre en auncyen demesne soit en variãce enter les tenants donques le tenaunt issynt greue auera vers lauter briefe de droyte close quod vocat' secundum consuetudinem manerij & ceo serra toutes foits port en le courte le seignior, & sur ceo il coũtera en le nature de quel briefe il voit cõe son case gyst & cest brief ne serra remoue

ſinon p graūd cāe ou non power de court, Auxi ſi le ſeignior en auter court que auncien demeſn diſtraine ſon tenaunt de faire auter ſeruice quel ne doyt, il auera. briefe de droyt appel ne iniuſte vexes & eſt vne briefe de droit patent que ſerra trie per battelle ou graunde aſſiſe.

greate cauſe o, noe power of the courte. Alſo yf the lorde in another courte thenne auncyen demeſne diſtraine his tenaunt to doe other ſeruice that he oughte not, he ſhal haue a writte of ryghte called ne iniuſte veres, and it is a writ of right patent which ſhal be tried by battel or grād aſſiſe.

Morgage eſt quaunt vn fait feoffement a vn auter ſur tiel condicion que ſi le feffor paya al feoffee a certayne iour. xl. li. dargent que adonques la feoffour puit reentre &c. en ceo caſe le feoffee eſt appel tenaunt en morgage. Et ſicome vne home puit fair feoffemēt en fee en morgage, iſſint

¶ Morgage is when a man maketh feoffement to another on ſuche condicion that if the feffoure paye to the feoffee at a certaine day forty pound of money, that then the feoffour maye reenter, &c. In thys caſe the tenaunt is called tenaunt in morgage. And as a man may make a feoffemēt in fee in morgage, ſo

he

bee maye make a gyfte in tayle, or a leafe for terme of lyfe or for terme of yeares in morgage. Alſo yf a feoffement bee made in morgage on condycion that if the feoffor paye ſuche a ſomme at ſuche a daye. &c. And the feoffoure dye beefore the daye, thenne if the heyre of the feoffoure paye the ſame ſomme at the ſame daye to the feoffee and the feoffee refuſethe yt, then the heire of the feoffour may enter, but in ſuche a caſe if there bee noe daye of payment expreſſed, then ſuch tender of the heire is voyde, for that that when the feoffoure diethe, the tyme of tender is paſte, or otherwiſe the heires of the feoffour ſhal haue tyme of

il puit faire donc en le tail ou leſſe pur termñ de vie ou pour terme dans en morgage. Auxi ſi feffement ſoit fayt en morgage ſur condicion que ſi le feoffour paya tyel ſũme a tiel iour. &c. Et le feoffour murruſt deuaunt le iour vncore ſi lheyr le feffour paia meſme le ſõme a meſme la iour al feoffee, & ſi le feoffee ceo refuſa dõques lheir le feoffor puyt enter, mes en tiel caſe ſi ne ſoyte aſcun iour de paimẽt expreſſe, donques tyel tender del heyre eſt voyde pour ceo que quaunt feoffour murruſt le temps del tender eſt paſſe, ou auterment les heires le feffour auerount temps

del tẽdera touts iours que ſerra inconuenyent que vn auera vn fee ſimple a luy & a ſes heires que ſerra dyffeyſable touts foytes a le pleſure & volunte des auters, mes en le prymer caſe la temps del tender ne fuit paſſe per la morte le leſſour.

of the tender for euer, which ſhalbee inconuenient, that one ſhal haue a fee ſimple to hym and to his heires whiche ſhal bee defeſible alwaies at the pleaſure and wyll of others, but in ỹ firſt caſe the time of tender was not paſt by the death of ỹ leſſour.

Mortdaunceſter vide de ceo deuant titulo coſinage.

Mortdaunceſter looke therefore in the title coſinage.

Mortmaine eſt lou terre ſont dones a vn meaſon de relygyon ou a vn auter companye que ſount corporate per le graunte le roy dõques ceſt terre eſt deuenus en morte mayne & donque le roy ou le ſeignior de que le terre eſt tenus

¶ Mortmayne is where landes bee geeuen to a houſe of religion or to another companye whiche bee corporate by the kinges graunt, then ỹ lande is come into mortmain, and then the kynge or the lorde of whom the lande is holden may enter

ter as it appeareth by ꝑ statute de religiosis, see therefore the statut. Also yf one make a feoffemēt vpon truste to certain personnes to the vse of a house of religion, or to the vse of anye gylde or fraternity corporate, thē it shalbee sayde mortemayne and hee shal renne in the same payne, as yt appearethe by the statut anno decimo quinto.R.2.

¶Moderata misericordia is a writt and it lyeth where a man is amerced in court baron or countye more then he ought to bee, then hee shal haue this writ directed to the shirife if it be in the cōtye or to the baylife if yt bee in court baron commaundinge them that

puyt enter come appiert en lestatute de religiosis, ideo vid' statut'. Auxy si vn fayte feoffement sur confidence a certayne personnes al oeps de vne meason de religiō, al oeps de ascune gylde ou fraternitye corporate, donques il serra dyt mortmayne & il encourge mesme le paine, vt patet per statutum anno..15. Richardi.2.

Moderata misericordia est vn brief & gist lou home est amercie en courte barron ou countie plus que deuer este donques il auera cest briefe direct al vic̄ si soit en coūtie ou al baylife si soit en court baron, eux commaundaunt que il ne luy amerciount, mes

eyent

eient regard al quantitie de treſpas & ſyls ne fount, cel bryefe donques iſſera vers eux vne ſicut alias & cauſam nobis ſignifices & apres ceo vn at tachement.

Natiuo habendo eſt vn bryefe & gyſt lou le niefe dun ſeigniour eſt ale de lui donques le ſeigniour auera ceſt briefe direct al vicont que il face le ſeignior auer ſon nyefe oueſque touts ces chateux Auxi ē ceſt brief pluſoures niefes ne purront eſte demaundes q̄ deux, mes auxi pluſours niefs q̄ voylent enſemblement poyēt port brief de libertate probanda. Auxi ſi vn niefe port brief de libertate probanda a-

hee amerce hym not, but hauinge regarde to the quantitye of the treſpas, and if theye do not, thys writ then ſhal goe forthe againſte them, a ſicut alias ē cauſam nobis ſignifices and after that an attachement.

¶ Natiuo habendo ys a writ and it liethe where the villeine of the lord is gone from him, then the lorde ſhal haue this writ directed to the ſhirif, that he make his lord to haue hys villeine with al hys goods. Alſo in this writte moe villeines maye not bee demaunded thenne twaine, but as many villeynes as wil, ioyntely may bringe a writ de libertate probanda. Alſo a villein bring his writ de libertate probanda

fo,

foze that the lorde bring his writte, then the villeine shal bee in peace til the cõming of ỹ Justyce, or els his writ shall not helpe him.

que le seignour port cest briefe donques le niefe serra en peace iesq; al venue des iustice ou auterment son briefe ne luy eydera.

Also if a villaine haue tried in auncien demesne one yeare and a daye withoute claime of the lorde, then he cannot seise him in the said fraunchise.

Auxy si vn villeyn ad demurre en auncien demesne per vn an & vne iour sans clayme del seignior dõques il ne puyt luy seyser deynes le dit fraunchise.

Nisi prius is a writte iudicial, & it lyethe when an inquest is impaneled and retourned before the Justices in the benche, then the plaintife or defendant maye haue this writ directed to the Shirife, him cammaunding that he cause the coũtrey to come before the Justices in the same county, at

Nisi prius est vne briefe iudicial, & gist quant lenqueſt est en panel & retourne de uaunt les iustices en banke donques le pl' ou defend' puyt auer cest briefe directe al vicont, luy commaundãt que il face venir la pais deuant les iustices en mesm̃ le coũtie a lour

lour venyr la destre determine, & ceo pur easement denquest.

Nonabilitye est lou vn action est pt vers vn, & le defendaunte dyt que le plaintyf est nonable de sewe ascun action, & sont vi. causes de nonabilitye s. home vtlage, vne alyen nee hors de lege le roy, vn home condempne en premunire, vn home de religion, vn home excommenge, & vn villeyn que sue son seygnyour.

Nusauns est vn brief & gyst lou ascun hōe leue ascune mure ou estop ascun ewe ou fayt ascune chose sur son terre demesne a nusaunce son prochein. Auxy si il que fist le nusaunce alyen

there commirg to be determined, and that for ye easing of the enquest.

¶ Nonabilitie is where an action is broughte agaynste one, and the defendaunt sayeth that the playntife is not able to sue any action. and there bee sixe causes of Nonabilitye, that is to saye, a man outlawed, an alien borne out of the kynges lege, a man condempned in a premunire, a man of religion, a man accursed and a villein that suethe his lorde.

¶ Nusaunce is a wrytte and it lyethe where anye man leuieth any wall or stoppeth anye water or doth any thing vpon hys owne ground to the vnlawful hurt & nusaunce of his neighbour. Also y

he

hee that make the nu-
saunce alien the lande to
another thenne this writ
shalbe brought againste
them both as it appereth
by ỹ statut westminster
2.Ca.23.

¶Nuper obijt is a writ
and it lyethe wheare one
hathe manye heires that
is to say, manye daugh-
ters or manye sonnes yf
it bee in gauel kynde in
Kent, and dyethe seysed
and one heire entrethe
into all the land, then the
other that be holden out,
shall haue this writte a-
gainst the coheire that is
in. But a writ de Ratio-
nabile parte lieth in such
case where the aunceſtor
was once seysed, & dyed
not seysed.

¶Ne iniuste vexes, loke
therefore beefore in the

la terre a vne auter,
donques ceſt bryefe
ſerra ſport deuers am-
bideux come appiert
per leſtatut weſtmin
ſter.2.ca.23.

Nuper obijt eſt vn
briefe, & giſt lou vne
ad pluſours heires.s.
pluſiours files ou plu
ſours fits ſi ſoit en ga
uelkinde en Kent, &
deuie ſeiſi & vn heir
entra en tout la terr'
donq; les auters que
ſount tenus de hors,
auerount ceſt bryefe
vers le coheyre que
eſt deyns, mes briefe
de Rationabile parte
gyſt en tyel caſe ou
launceſtoure fuit vn
foits ſeyſi, & ne mur-
ruſt ſeyſie.

Ne iniuſte vexes,
Vide de ceo deuaunt
titulo

titulo Monſtrauerũt

Ne admittas propter libertatem eſt vn brief, et giſt loule viĉ retourne ſur briefe a luy direct, que il ad maund al baillife de tiel fraunchiſe que auer retourne des briſes, & il nad ſeruie le brief, donq̃ le plaint' auera ceſt brief direct al viĉ q̃ il m̃ ent' en le franches & execute le br' le roye. Auxi le viĉ garnera le bailife que il ſoit deuant les iuſtices al iour conte nus en le briefe, & ſil ne vyent & luy acquite, donques touts les briefes iudicials q̃ paſſerõt hors d'court le roy duraunt meſme le plee, ſerrount briefes de non admittas &c. & le vycount ferra executiõ de eux

title Monſtrauerunt.

¶ Ne admittas propter libertatem is a writ and it liethe where the Shyriffe retourneth vppon a writ to him directed that hee hath ſent to the bayliffe of ſuche a fraunches which hath retourne of writs, & hee hath not ſerued the writ then the pl̃ ſhal haue this writ directed to ỹ ſhirife ỹ hee himſelf enter into ỹ fraũches & execute the kings writ Alſo ỹ ſhirif ſhall warne the baillif that he be beforе the Juſtice at ỹ daye contained in the writ & if he come not and acquite him, then al the writs iudicials which ſhall paſſe out of the kings court during the ſame plee, ſhalbe writs de Non admittas &c. & the ſhirif ſhal make

execu-

xecucion of thē hanging the plee.

pendant le plee.

¶ Oyer & termyner is a writte called in latine de Audiendo & terminādo, and it lyethe where anie greate or sodayne insurrection is made, or anye other sodayne trespasse whiche requirethe hastye information, thē ỹ kinge shall direct a commission to certain men & iustices to here and to determine the same.

Oyer & terminer est briefe appel en latin de Audiendo & terminando, & gyst quant ascun graund ou sodein insurrectiō est fait ou asē aut' sodein transgression q̄ requi.. hastye informac̄, dōq̄ le roy directera vn commission a certaine gents & iustices de audiendo & terminando.

Parceners accordyng to the course of the common law, and accordyng to ỹ custom. Parceners according to ỹ commō law are wher an inheritoure hathe yssue but daughters, & dieth, & ỹ tenemtz descēd to ỹ daughterz, thē thei be called pceīs, & are but as one heir.

Parceners sōt solonq̄ le cours de commen ley, & solonq̄ le custome. Parceners solonq̄ le commen ley sont lou vne inherit' ad issue forsq̄ files & deuie, & les tenemen tes descendont a les files, dōq̄ ils sont appel, parceners, & sont forīques que vn heir, mes

mes si home ad forsque vn file, el nestdit parceñ mes el est dyt la file & la heire, et si ne sont soers les terres descenderount a les auntes, et els sont appelles parceners. Auxy quaunt terres descendont a dyuers parceners, els poyent faire partycion enter eux per agremēt mes si ascun deux ne voilent fair donque lauter ou les auters aueront vn brief de Participatione facienda direct al viē que ferra particiō enter eux p le serement de xij. loyals hōes de sa bailiwike. Auxi particiō per agrement puit eē fait per le ley auxi by en per parol sans fait come per fayte. Et si sount de pleyne age,

but if a manne hathe but one daughter, shee is not called parcener, but shee is called ỳ daughter and heire. And yf there be no systers the lande shall descende to the auntes, and they be called parceners. Also when landes descende to diuers parceners, theye maye make partition betwene them selues by agreement, but if anye of them wyll not make partition, then the other or the others shall haue a writ de Partitione faciēda direct to ỳ shirife, who shall make partitiō betwene thē by ỳ oth of xij. lawful mē of ỳ bailliwike. Also partitiō by agremēt may bee made by ỳ law, aswell by word wout deede, as by deede. And if they be of ful age th

age the partition shal remain for euer, and shall not at any time be defeated. But if the landes be to them in the tayle, and though that they are concluded during their liuez yet ỹ yssue of hym which hath the lesser part in value, maye disagree from the partition, and enter and occupie in comon wᵭ the other parte. And also yf the husbandes of the parceners make partytion, when the husbande dieth, the wife may disagree frō ỹ partitiō. Also if ỹ parceñ which is wᵭin age make partitiō, when she cometh to ful age she maye disagree. But shee must take good hede whē she cometh to her ful age ỹ she take not al the profites to her own vse of ỹ

le partition touts iou res demurrera, & ne ſerr'vnq; defete. Mes ſi les terres ſōt a eux in le taile, & coment q̄ ils ſount concludes durant lour vies, vnē liſſu ceſty qui nad le meinder part in valu puit diſagreer a le partition & enter & occupier in cōen oueſq; lauter part. Et auxi ſi les barons des parceners ſount partition quāt le baron deuie, la fēe puit diſagreer a la partition. Auxi ſi le parcener q̄ eſt deins age fait partition quaunt el vient a ſon plein age, el puit diſagreer. Mes il couiēt de byen garder quāt el vient a ſon pleyne age, que el ne preign toutes les profites a ſon vſe demeſne des

preſcribe encounter vn eſtatut ſinon que il ad auter ſtatut que ſerue pur luy.

Preſentment eſt quaunt aſcun home que ad droit a doñ aſcun benefice ſpirituall,& noſme le perſõ al eueſque a q̃ il voit l' doner,et fait vn letter al eueſq̃ pur luy, ceo eſt vn preſentation ou preſentmẽt, mes ſi diuers coheirs ne poiẽt accorder en preſentment le preſentment leiſne ſerra admitt,mes de ioyntenants et tenants in comen,ſils ne accordent,leueſq̃ preſentera per laps.

Premunire eſt vn briefe.& giſt lou aſcun home ſue aſcun auter in court chriſ.

preſcribe agaynſte a ſtatute excepte hee haue another ſtatut that ſeruet̃ for hym.

¶ Preſentment is when anye man whiche hathe righte to geeue anye benefice ſpirituall,and namethe the perſone to the biſchop to whom hee will geeue it,& maketh a writing to ỹ biſchop for him, that is a preſentacion or preſentmẽt,but if diuers coheires maye not accord in preſentment, the preſentmẽt of the eldeſt ſhalbe admitted, but of ſointenants & tenants in common,if they accorde not within ſix moneths, the byſhop ſhall preſent by laps.

¶ Premunire is a writ and it lyethe where anye man ſuethe any other in the

the spirituall courte, for any thinge that is determinable in the kinges courte, and that is ordeined by certaine statuts, & great punishment therefore ordeined, as it appereth by the same statuts, that is to saye, that hee shalbee oute of the kings protection, and that hee be put in prison without bayle or mainepryse til ỹ hee haue made fine at ỹ kinges wyll, and that hys landes and goodes shalbe forfayt yf he come not within two monethes. Also the procuisours procuratours, attorneis, executoures, notaryes & maynteinoures, shall be punished in the same manner, therefore looke the statutes. Also some men saye that yf a clarke

tian pur ascun chose que est determinable en le court le roye, & ceo est ordeine p̄ certein statutes, & grand punishment a ceo ordaine come appyerte per mesme les statuts, s. que il serra hors de protection le roye & que soit mys en pryso̅ sauns bayle ou mainprise tanque ils ad fait fine al volunte le roy, & que ses terres & chateux serrounte forfaytes sil ne veino deins ij. moys.

Auxy lour prouysours, procuratoures, attourneyes, executours, notaries & mai teners serrount punyshe en mesme le maner ideo vide statutum. Auxy ascuns dionte que si vn clerke

sue auter hõe in court de Rome pour chose spiritual lou il puit a: uer remedy deins cest realme in court sõ or dinary que il serra in case del statut.

Precipe in capite est vn br' & gist lou le te nant que tient de roy in chiefe, cõe de sa co- rone & il est deforce dõq; il aũa cest br', & cest briefe serra close & serra plede in le co men bank, Auxi si as- cun tenãt q̃ tient dasc̃ seigñ soit deuorce luy couient suer briefe de droit patent que serr' determine in le court le seigñ, mes si le terre soit tenus de Roye le briefe de droit patent serra port in court de roye & cest brief puit este remoue de la

sue an other man in the court of Rome for a thi spũal wher he may haue remedy wͤin the realme in ẏ court of his ordinary ẏ he shalbe wͤin ẏ case of the statute.

¶ Precipe in capite is a writ & it lieth wher ẏ te nãt holdeth of his lord in chief as of his crown & he is deuorsed, that is to say put out of his lãd, thã he shal haue this writ, & thiz writ shalbe close & shalbe pleded ĩ ẏ cõen place. Al- so if any tenãt which hol deth of any lord be deuor sed it behoueth hĩ to sue a writ of right patẽt which shalbe determined in the lords court, but if ẏ lande be holdẽ of ẏ king ẏ writ of righte patent shall bee brought to ẏ kings court & this writ may be remo-

ued

ued tro y lords court vn-
to the cou..te by a tolt, & f..m the counte into the comen place by a pone, looke therfore before in ye title droit.

¶ Perambulatione facienda is a writ and it lieth where two lordships liethe one nighe another and some incrochemente is made by longe tyme than by assente of bothe lordes the shirife shal take with hym the partyes and the neighbours, and shal make the boūdes as they were before, but if a Lorde incroche vppon another, and he wil not make perambulacion, then the lorde so greeued shal haue a writ againste the other, whiche is called de rationabilibus diuisis.

court le seigniour en la county p vne tolt & de la counte in comen bank p vn pone. Ideo vide deuant tytulo droit.

Perambulatione facienda est vn briefe et gist lou deux seygñrs gisont vn pres lauter & ascun encrochem̄t est fait p longe temps donq̄ p assent de ambideux seigniors le vy cont prendera ouesq̄ luye les parties & les viceins, & fieront per ambulation, & ferrōt les mets cōe ils fuerōt adeuant, mes si vn seigniour incroche sur lauter & il ne voile fair pambulation, donques le seignior issint greue aūa briefe vers lauter q̄ est appel de rationabilibus diuisis.

Petit cape est vn brief & gist quaunt ascũ action real.s. de plee de terre est port et le tenaunt appere & puis fait defaut, donq̃ issera cest briefe de petit cape de seiser les terres en mayne le roye mes sil ne appera mes fait defaut al prymer somons, donq̃ issera vn graũd cape et pur tiel defaut le tenaunt perdra la terre, mes sil gage son ley de non sommons, il sauera sõ defaute, & donques il puit plede ouesque le demaundant. Et en graund cape le tenant serra sommons pour responder al defaute & ouster al demaundant, mes in petit cap̃ il serra summonis pur responder al defaute

¶ Petit cape is [illegible] it lieth whan a[illegible] actio reall, that is to saye of plee of land is broughte, and the tenant appeareth and afterwarde makethe defaute, then this writte of petite cape shall goe forthe to seisie the landez into the kinges handes, but if he appeare not, but maketh defaute at ẏ first sõmons, then a graund cape shal goe forthe, and for suche defaute the tenant shall loose the land, but if he waedge his law of non sommons, he shal saue his defaut, and than he may plede w̃ ẏ demaũdaunt. And in graund cape ẏ tenant shalbee summoned to aũswere to the defaut, & farder to the demaũdãt, but in petit cape he shalbee summoned to aunſ-

auniwere to the defaute
relye, and not to the de-
maundant, and it is cal-
led petite cape, for that ꝑ
there is lesse in the writ.
¶ Proces are the writes
& preceptes that go vpon
the original, and in ac-
cions realz and personelz
there bee diuers proces,
for in actions reals ꝑ pro
ces in graund cape befor
apparance, therefore see
of that in the title petit ca
pe, but in actions perso-
nels as in debte, trespas,
or detinue, the proces is
a distres, and if the shirif
retourne nihil habet in
balliua. &c. then the ꝓces
is alias capias & an exi-
gent, and they are called
capias ad respondendum
Also the exigente shalbee
proclamed fyue tymes,
and if the party dothe

soulement & nemye
al demaundant, et est
appel petite cape pu
ceo que il ad minus et
le briefe.
Proces sont les briefs
& preceptes que issōt
sur loriginal, & in ac-
cions reals & psoneles
sont diuers ꝓces, car
en actions reals le ꝓ-
ces est graūd cap̄ ade-
uant apparance, ideo
vide de ceo in tytle
petite cape. Mes in ac
cions psonels come in
dett, tresp̄as ou dety-
nue le proces est vne
distres, & si le vic̄ re-
tourne nihil habet in
balliua &c. donques
le proces est alias ca-
pias & vn exigent, &
ceux sount appels ca-
pias ad respondēn-
dum. Auxi lexigent
serre v. foytes pro-
claimes & sile party

na-

napiert il ſerra vtlage mes in diuers actions ſont diuers maners de ꝓces que pluis longe eſt declare in natura breuium. Auxi ſount dyuers auters ꝓces apres apparance quant les parties ſont al iſſu pur faire lenq̃ſt apere cõe vn brief de venyre fac̃, & ſils ne apperont al iour, adonque vn br' de hab.cor.Iurr': & apres vn briefe de diſtringas Iurr.

Auxy ſont diuers auters ꝓces apres iudgement come capias ad ſatiſſaciendum capias vtlagat', & capias ad valentiam &c. mes capias ad ſatiſſaciendum giſt lou vn home eſt condẽpne in aſcũ det ou dãmages, donq̃ il ſerra arreſt ꝑ ceſt br'

not appeare he outlawed, bu. n diuers actions there are diuers maners of proces which at large is declared in natura breuium. Alſo there are diuers other proces after apparaunce when the parties bee at iſſue to make the enqueſte appeare as a writte of venire facias, and yf they do not appeare at the daye, then a writte of habeas corpora Jur̃: and after a writ diſtringas Jurr̃. Alſo there are dyuers other proces after iudgemẽt as capias ad ſatiſfaciendum, capias vtlagat', & capias ad valẽtiam &c. but capias ad ſatiſſaciendum lieth, where a man is cõdempned in anye debt or dãmage, thẽ he ſhalbe arreſted by this writ, & put

in

a prison without bayle or maynepryse, tyll he hath paide the debte and the damage, but capias vtlagatum, lyeth where one is outlawed, then he shall bee taken by thys writte, and put in prison without bayle or mainepryse, for that hee hadde the lawe in contempte. Capias ad valentiam lieth wher I am impleded of certayne Landes, and I bouche to warrantye another and cannot barre the demaundaunte, so that the demaundant recouer agaynste me, then I shal recouer so muche in value againste the bouche, and the shal go forth this writ, also there be other proces and writtes iudicials, as fieri facias, scire facias, and manye

et mis in prison sauns baile ou mainprise tãque il ad pay le det & les damages, mes capias vtlagat' gist lou vn est vtlage, donques il serra prise p tiel brief & mys en prison sans bayle ou maynepryse pur ceo que il ad fait contempt encounter le ley. Capias ad valentiam gyst lou ieo sue implede de certei terre, & ieo vouche a garrantie vn auter & il ne sauoit pas barre le demand, issint que le demaund recouervers moye, donq; ieo recouera tant in valu vers le vouch, & donques issera cest briefe. Auxi sont auters pces & bryefes iudicialles come fieri facias, scire facias, & pluſoures au-

auters, ideo vide de ceux en lour titles.

Protection eſt vne briefe & giſt lou hõe voit paſſer ouſter le meare en le ſeruice le roy, donq; il aũa ceſt briefe, & p ceſt briefe il ſerra quyte de tout maner des plees enter luy & aſcun auter p-ſon, excepte plees de dower. Quare imp, aſſiſe de nouel diſſeiſin vltime preſentationis & attaintes, & plees deuant iuſtice in eire mes ſont deux briefes de protection, vne cũ clauſula volumus, & lauter cum clauſula nolumus, vt appert in la regiſter. Auxy protectiõ ne ſerra allowe en aſcune plee commence deuãt le date de la protection ſi ne

other and therefore looke for them in their titles.

¶ Protection is a writte and it lieth where that a man will paſſe ouer ẏ ſea in the kings ſeruice, thẽ hee ſhal haue this writte, and by this writte he ſhall bee quite of all maner of plees betwene hym and any other perſone, except plees of dower, quare impedit, aſſiſe of nouel diſſeiſin, darreine preſentment, and attaintes, and plees before iuſtice i eire. But there be. ẏ. writs of protection, one cum clauſula volumus, and another cum clauſula nolumus as appeareth in the regiſter. Alſo a protectiõ ſhall not bee allowed in any plee begoon before the date of the protection, yf it bee not in byages,

where

where the kyng hymself shall passe, or other viages royals, or in messages of the kig for neede of the Realme. Also a protection shall not bee allowed for vitaell bought for the viage wherof the protection maketh mencion, nor in plees of trespas or of contracts made after the date of the protection.

¶ Prohibicion is a writ and it lieth where a man is impleded in the spirytual courte, of the thyng that toucheth not matrimonye nor testamente, but that touchethe the kinges crowne, and thys writ shalbee directed, as well to the partie as to ỹ officiall, to prohibite thẽ that theye pursue no further, but yf yt appeare after

soyt in vyages ou le roy mesme passa, ou auters vyages roials, ou in message le roy pur boyson de realm Auxy protection ne serra alow pur vitails achates pur le viage, dount le protectyon fait mencion in plees de trespas ou de contractes fayt puys le date de mesme le protection.

Prohibition est vn briefe, & gist lou hõe est impleade in courte christien de chose q̃ ne touch matrimony ne testamẽt, mes que touche le corone nostre seign̄ le roy, & cẽ brief serra direct auxi bien al partie come al official, de eux prohibit' q̃ il ne pursue ou ster, mes si il appeare apres

apres a les Iudges tẽporall que le matter est spirituall & nemy temporal, donques le partye aũa vn bryefe de Consultation, cõmaundant les Iudges spiritual de proceder in la primer plee.

Procedendo est vn brief et gist ou ascun action est sue in vne base court que est remoue avn hautcourt come al Chauncery, banke le roye, ou cõmen banke, per brief de priuilege, ou Certiorare, et si le defendaunt sur le matter monstre nad cause de priuilege, ou si le matter in le bylle ne soyt bien proue, donques la pleintife auera cest briefe de procedendo pur remaũ-

afterward to the iudge temporall, that the matter is spirituall and not temporall, than the partye shall haue a writ of Consultacion, commaunding the Iudges spirituall to procede in the first plee.

¶ Procedendo is a writ and it lieth wher any actiõ is sued in a base court whiche is remoued to a hie court, as to the Chaũcery, the kings bench, or common place by a writ of Priuilege or Certiorare, and if the defend̄ vpõ the matter shewed, haue no cause of priuilege, or if ỳ matter in the bill bee not wel proued, than the playntife shall haue this writ of Procedendo, for to send again the matter

vnto

vnto the vrst basse court, and there to bee determined.

¶Quare impedit is a writ, and it liethe where I haue purchased a manour, to the whiche there belongeth an aduowson and the person dieth, and an other presenteth hys clerke, or disturbethe me to present, than I shall haue the said writ. But Assise of darrain presentment lyethe, where I or my auncestours haue presented before. And wher a man maye haue Assyse of darrein presentment, hee maye haue a Quare impedit, but not cõtrarie wise. Also if the plee bee depending betwene two partes, and be not discussed within. vi. monthes,

der le matter al prim basse court, & la destre determine.

Quare impedit est vn briefe, & gist lou ieo aye purchace vne maner a q̃ appent ad uowson, et le person deuie, & vn auter p̃sent son clerke, ou moy disturbe de present', donq; ieo auera le dit briefe. Mes Ass. de darreine presentment gist, lou ieo ou mon ancestours ont present deuaunt. Et lou home puit auer Assise de darrein presentment, il puit auer vne Quare impedit, mes nemy contrary. Auxy si le plee soyte depẽdant inter deux parties, & ne soit discusse deins vi. moies,

don-

donques leuesq; presentera p laps, & cesti que ad droit de presenter, recouera sa dãmages cõe apiert per statute de Westm̃. ij. ca. vij. Ideo vide statutum. Auxi si cestye que ad droit de presenter aps le mort le person, & ne porta Quare imped', ne dar rein presentmẽt, mes suffer vn estrange de vsurper sur luy, vnẽ il auera vn briefe de Droit daduowſ, mes cest briefe ne gist, sil ne clayme dauer lauowson a luy & ses heires in fee simple.

than the bysshop shal present by laps, and he thathe righte to presente, shall recouer hys damages, as it appereth by the statute of Westm̃. ij. ca. vij. therfore see the statut Also if hee ỹ hath ryghte to present after the death of the persone, and bringeth no Quare impedit no; Darreyne presentemente, but suffrethe a straunger to vsurpe vpon him, yet he shal haue a wrytte of ryghte of adowson, but this wrytt lieth not, but if he claime to haue the aduowson to hym and his heires in fee simple.

Quare non admisit est vne briefe, & gist lou home ad recouer vne aduowson, & il mand son couenable

¶ Quare non admisit is a writt, and it lieth wher a manne hath recouered an aduowson, and hee sendethe hys couenable

clarke

clerke to ..e bishop to be admitted, and the bishop wil not receiue him, thā hee shall haue the sayde wryt against the bishop. But a wryt de Ne admittas lieth, wher .y. bee in plee, if the plaintif suppose that the bishop will present, the clerke of the def. than hee shall haue thys wryt to the bishop, commaunding hym not to admyt hun hangynge the plee.

¶ Quare incumbrauit is a wryt, and it liethe wher two bee in plee for the aduowson, and the Bishop presentethe one of his clerkes within the vi. monethes, than hee shall haue thys wryt, agaynste the Bishop, but this wryt lyethe alwaye hanging the plee.

clerke al eueſq; pour eſte admit, et leueſq; ne voil luy receiuer, donq; il auera le dyt bryefe vers leueſq;, mes briefe de Ne admittas gist lou deux ſont in plee ſi le pleit ſuppoſeque leueſque voit preſent le clerke le defendaunt, donq; il puit auer ceſt brief al eueſque, luy commaundaunt que il ne luy admit, pendaunt le plee.

Quare incumbrauit eſt vne briefe, et giſt lou deux ſont in plee pur lauowſon, & leueſque preſent vn de ſes clerkes, depuis les vi. mois donques il auera ceſt bryefe vers leueſq;, mes cē briefe giſt touts foits pēdāt le plee.

Quale ius est vne briefe & gist lou hõe de religion ad iudgement de recoũ terre, donques deuant execution cest brief isserra al eschetour pur inquerer q̃l droyt il ad a recouer, & si soyt troue q̃ il nad droyt donq; le seignior puit enter. Mes briefe de Ad quod dampnum gist lou vn voile doner terre al meason de religion, donques cest brief issera al Eschetour, pour inquirer de que value le terre est, & quel preiudice il serra al roy.

Quarentine est, lou home deuie seisi dun maner place & auter terres, dount sa feme doit este endow, donques la femme tyen-

¶Quale ius is a writ and it lyeth where a ...a of religion hathe iudgement to recouer lande, than before executiõ this writ shal goe forth to the escheto; to enquire what right he hath to recouer, and yf it bee founde that hee hathe no right, than the lord may enter. But a writ of Ad quod dampnum lyeth wher one wil geue landes to an house of religiõ, than this writ shall goe forth to the eschetor, to enquire of what value the lande is, and what preiudice it shalbee to the kyng.

¶Querentine is where a man dyeth seysed of a maner place and other landes whereof ỹ wyfe oughte to bee endowed, than the woman shall

yelde & maner place by yeares, within whiche tyme her dower shalbee assigned, as it appeareth in Magna charta cap. vi.

dra le maner place p quarant iours, deyns quel temps son dower serra a luy assign come appiert in Magna Charta Capitulo. vi.

¶ Quare eiecit infra terminum is a writ, and it lyeth where one maketh a lease to an other for terme of yeres, & the lessour enfeoffeth another, and the feoffee putteth out the termour, thā the termour shall haue this writ against the feoffee, but if another straunger put out the termour, thē hee shall haue a writ de Electione firme against hym, and in these twoe writs hee shall recouer the terme and his damages.

Quare eiecit infra terminū est vn briefe & gist lou vne fayte lease a vne auter pur terme dans, & le lessour infeoffe vne auter, & le feoffe ousta le termour, donques le termour auera cest briefe vers le feoffee, mes si vn aut' estrāge ouste le termour donques il auera bryefe de Electione firme vers luy, & in ceux deux briefes il recouera le terme & ses dammages.

¶ Quid iuris clamat

eſt vn briefe, & gyſt lou ieo grant le reuer ſion de mon tenaunt a terme de vie p fine in court le roye, & le tenant ne voit atturner, donqꝫ le grantee auera ceſt briefe pur luy chaſer pur atturner. Mes brief de quẽ redditum reddit giſt, lou ieo grant per vn fine, rent charge ou auter rent que nẽ rẽt ſeruice quel mon tenant tient de moy, & le tenaunt ne voit atourner, donques le grauntee auera ceſt brief, et brief de Per que ſeruicia gyſt en ſemble caſe pur rent ſeruice. Auxi ſi ieo grant .iiij. diuers rẽts a vne home, & le tenaunt del terre attorna al grãtee per payis a wꝛit, & it lieth where I graunt the reuerſiõ of my tenant for terme of life by fine in the kynges court, & the tenant wyll not attorne, thẽ the graũtee ſhall haue this wꝛyt for to compell him to atturn. But a wꝛit of Quẽ redditum reddit lyethe wher I graunt by fine a rẽt charge or another rẽt which is not rẽt ſeruice which my tenãt holdeth of me, & the tenaunt will not attorne, then ẏ graũtee ſhall haue this wꝛyt, & a wꝛit of Per que ſeruicia lieth in like caſe for rente ſeruyce. Alſo yf I graunte fowꝛe diuers rẽtes to one man, and the tenant of the land attorneth to the grauntee by payement of a penye or of

penye in the me of attornement of all the rentes, thys attornement shal put hym in seisin of al the rent. But these three writes ought to bee broughte againste those whiche are tenants at a daye of note leuye, & against none others.

ment de vne denie ou vne maile in nosi dattournemẽt de tout ceux rentes cest attornement, luy mytter in seisin de tout cest rent. Mes ses troyes briefes couyent este porte vers eux qui sõt tenauntes ioures de note leuy & vers nul auters.

Quare intrusit matrimonio non satisfacto ys a writ, and it lieth where the Lord profereth conuenable mariage too hys warde, and he refuseth & entereth into the land, and marieth hymselfe to another, then the Lorde shal haue this writte againste hym.

Quare intrusit matrimonio non satisfacto est vn briefe & gist lou le seignioure profera, couenable mariage a son garde & il refusa & entra in la terre & soye marie a vn auter, doques le seigniour auera cest briefe vers luy.

Quod permittat ys a writte, and yt lyethe where a man is disseised of hys comen of pasture,

Quod permittat est vne briefe & gist lou hõe est disseisie de son commen de pasture,

& le disseisoure alyen ou deuye seisie & son heire entra donques si le disseysye deuye son heire auera cest briefe.

Quo iure est vne briefe & gist lou hõe ad ewe commen de pasture en auter seueral puis le temps de non memorye, donques celuy a que appertient la seuerall auera cest briefe & il serra charge de respõder per quel tytle il claime.

Quo minus est vn briefe & gist lou hõe ad graunt a vn auter housbote & heybote in son boys a prender chescune an & celuy que ad graunt fait tiel waste & distruction que le grauntee ne

and the disseisoure alieneth or dieth seysed, and his heire entereth, thã pt the disseisy dye, his heire shal haue this writ.

¶ Quo iure is a writte, and it lieth where a man hath had comen of pasture in another seueral sith the time of no mind, thã hee to whom belongeth the seuerall shall haue this writ, and he shal bee charged to shew by what title hee claimeth.

¶ Quo minus is a writte and lyeth where a man hathe graunted too another housebote and heybote in his wood to take euery yeare, and he that had the graunte make such waste and distruction, that the grãtee cannot haue his reasonable esto-

uers,

uers, then the grauntee shal haue the forsayde writ, and it is in maner of a writ of wast, and note that housebote ys called certaine estouers, to mende the house, & heybote is certaine estouers to mende heis and hedges.

poet auer son reasonable estouers, donques le graunt auera lauauntdit briefe & est in nature de briefe de wast. Et nota que housebote est appelle certeine estouers pur amender la meason, & heybote est certein estouers pur amender heis & hedges.

¶ Quod ei deforciat is a writte, and it lieth where the tenaunt in the taile, tenant in dower, or tenaunt for terme of lyfe, leeseth by defaute in any accion, then hee that leeseth shal haue this writt agaynste hym that recouerethe, or agaynste hys heire.

Quod ei deforceat est vn briefe & gist lou tenant en le tayle tenaunt in dower, ou tenaunte a terme de vie parde p defaut in ascun actyon, donqs cestye que parde aueera cest briefe vers celuy q̄ recoūa ou vers son heire.

¶ Quo warranto ys a writ, and it lyeth where a man vsurpeth to haue anye fraunches vpon the

Quo warranto est vne briefe & gist lou hōe vsurpe dauer ascun fraunches sur le

oy donques le roye uera ceſt bryefe de uy fait vener deuant on iuſtice, pur monstre per quel tytle il clayme tyel fraunches.

king, then the king ſhall haue this writte, to make him to come before hiz Juſtice, for to ſhewe by what title he claymethe ſuch fraunchiſe.

Rationabilibus diuiſis eſt vne briefe & giſt lou ſount deux ſeigniories in dyuers villes & lun pres lauter & aſcun parcel de vn ſeigniourye ou de waſte ad eſte incroch par petites parcels, & donques celuye ſeigniour de quel parcel de terre ou le waſte ad eſte incroche auera ceſt briefe enuers le ſeygnour q̃ ad iſſint incroche.

¶ Rationabilibus diuiſis is a writte, and it lyethe where ther are two Lordeſhippes in diuers townes, and one nyghe the other, and anye parcel of one Lordſhippe, or of waſte hathe bene encrotcht by lytle parcels, then the ſame Lorde of whõ the parcel of groũde or of waſte hath bene encroched, ſhal haue thys writte againſte the lord that hath ſo encroched.

Rediſſeſin, vide de ceo deuaunt in le tytle Aſſiſe.

¶ Rediſſeiſin, looke of that before in the tytle aſſiſe.

Relefe

Reliefe is whan anye tenant holdethe of anye lord by knightes seruyce & dieth his heire of ful age, than the heyre at the firste daye of paymente shal double the rent to ỹ lord. Also yf a man holde of the king in chiefe and of other lordes, the king shall haue the warde of al the lands, and the heire shal pay relefe to all the lordes at his ful age, but the Lordes shall sue to the kinge by petition, and shall haue the rente for the tyme that the infant was in warde.

Relief est quãt aſcun tenant tient daſc̃ ſeignour p̃ ſeruice de chiualer, & deuie ſõ heire de plein age donq̃ le heir a le prim̃ iour de paymẽt doublera la rent al ſeignior. Auxy ſi hõe tient de roy in chief & des auters ſeigniors, le roy auera le gard de touts les terres & le heire payera reliefe a toutes les ſeigniors a ſon plein age mes les ſeigniors ſueront al roy p̃ petiçiõ & aueront le rent pur le tẽps q̃ lenfant fuiſt in gard.

Releaſe is when one maketh a deed to another by theſe wordes remiſiſſe relaraſſe, & omnino pro me & heredib⁹ meis quietum clamaſſe A. B. totũ

Releaſe eſt quant vn fait fait a vne auter per ſes parols remiſiſſe, relaxaſſe, & omnino pro me & heredibus meis quietũ clamaſſe A.B. totum

ius

ius meum qd' habui, habeo, ſeu quouiſmodo in futurum habere potero in vno meſuagio &c. mes ceux pols quouiſmodo habere potero ſont voydes, car ſi le pyere ſoit diſſeiſi & le fits releſe p ſon fait de releſſe ſans garrauntye de tout ſō droit p ſes pols quouiſmodo &c. & le pere murruſt, le fites puit loyalm̄t enter ſur le poſſeſſion le diſſeyſor. Auxi in vn releſſe il couient a luy a que le releſe ſerra fayt q̄ il ad vn franke tenemēt ou vn poſſeſſion in le terres in fait, ou in ley ou vn reuerſiō al tēps a le releſe fayt, car ſil nad riens in le terre al temps de releſe fait le releaſe ne ſerra luy

ius meum quod ha... habeo, ſeu quouiſmodo in futurum habere pote...o i vno meſuagio, &c. but theſe wordes quouiſmodo habere potero be voyde, for if the father be diſſeiſed, and the ſonne releaſe by his owne deede of releaſe without warrantie of all his right, by thoſe wordes quouiſmodo &c. and ỹ father dieth, the ſonne may lawfully enter in the poſſeſſion of the diſſeiſour. Alſo in a releaſe it is nedeful to him to whom the releaſe ſhall bee made, that he haue a freeholde or a poſſeſſion in the landes in deede or lawe, or a reuerſion at tyme of that releaſe made, for if he haue nothing in the land at the time of the releaſe made, the re-

lea

leafe shal not bee to hym auailable, mes si hom disseisie vne auter & murrust seisi, & les terres discende a son fits coment q̄ le fits ne en tra pas, vnc̄ il ad vne franketenement en le ley, que per dyscent ē iette sur luy, & pour c̄ vn releasse fait a luy ē assetes bon. Auxi si disseisor lesse terres que il ad per disseisin a vn auter pour terme de vye sauaunt la reuersiō a luy, si le disseisee ou son heire releas al disseisor tout le droit &c. cel relesse est bon pur ceo que il auoyt vn reuersion al temps de releasse fait, & en mesme le manner est lou lesse est fayt a vn home pour terme de vye le remaynder a vn auter pour terme de

napleable, but if a man disseyse another and dyeth seysed, and the lands discende to the sonne although ỹ sonne doth not enter, yet he hath a free hold in the law, that by discent is cast vpon him, & therfore a releasse made to him is very good. Also if a disseisour lette landes that hee hath by dysseisin to another for terme of lyfe, sauing the reuersion to him, yf the disseisie or his heires releasse to the disseisour al the right &c. ỹ releasse is good for that that he hath a reuersion at the time of the releasse made. And in like maner it is wher leasse is made to a man for terme of lyfe, the remaynder to an other for terme of

de vie le rem a vn au
er in le taile, le rem a
vn auter in fee. s. vne
q̄ ad droit release a aſ-
un de eux in le rem
tout ſon droit tiel re-
leſſe eſt bon, pur ceo
q̄ cheſcune de eux ad
vne rem in fait veſtu
in luy, mes en tiel cas
ſi le tenant a term de
vie ſoit diſſeiſy le poſ-
ſeſſion in le diſſeiſour
& celuy que ad droit
releſſa a vn deux in le
remaynder tiel reles
eſt voyd, pur ceo q̄ il
nad forſq̄ vn rem in
droit et nemy en fait.
Auxi vne releaſe fayt
a celuy in le rem in
fait aydera celuy que
ad le franke tenemēt,
& vn releſſe fait a cel
luy que ad le franke-
tenement inurera &
aydera ceux en le re-
uerſion ou en le re-

lyfe, the remainder to an-
other in taile, the remain
der to another in fee, yf
one that hath right, relea
ſe to any of thē in the re-
mainder all hys right,
ſuche releaſe is good, for
that that euerye of them
hath a remainder in deed
veſted in him, but in
ſuche caſe yf the tenaunt
for terme of lyfe bee dyſ-
ſeyſed the poſſeſſyon in
the diſſeyſor, and hee
whiche hathe ryghte re-
leaſe to one of them in ẏ
remaynder, ſuche releaſe
is voyde, for that that he
hathe not but a remain-
der in righte and not in
deed. Alſo a releaſe made
to him in ẏ remaynder in
deed ſhall ayde hym that
hath the free hold, & a re-
leaſe made to him which
hath the free hold ſhal in
ure, and helpe them in ẏ
reuerſiō

reuersion or in ỳ remain
der yf they can shewe it.
Also if I make a lese to a
man for terme of yeares
and yf I release to hym
all my right before ỳ hee
entre in the lād, ỳ release
is voyde, for ỳ that hee
hath not possession at the
tyme of ỳ release. But if
hee bee entred and hathe
possession, the release is
good to him. But in such
case hee hathe not by my
release, but estate for
terme of his life. For yf
I make lease to a mā for
terme of life, & I release
to him al my ryghte, not
saying any more thā ỳ es
tate by such releas is not
inlarged. But if I release
al my right to haue to hi
& his heires, thē he hathe
fee simple, & if I release
to hym & to his heires of

mainder, sils c̄ poynt
monstre. Auxi si ieo
fait leas a vn hōe pur
terme dans, & si ieo
relesse a luy tout mō
droit deuaunt que il
entra en le terre, cest
releas est voide, pur
ceo que il nauoit poſ
session al temps del
release, mes sil vst en-
tre & ad possession, la
release est bon a luy,
mes in tiel case il nad
per mon release, forſ-
que estate pur terme
d'sa vie, car si ieo fait
lease a vne home pur
terme de vie, & ieo
relessa a luy tout mō
droit, sans pluis dire,
ore lestate per tiel re-
lease nest my enlarge
mes si ieo releas tout
mon droyt a auer a
luy et a ses heirs, don
ques il ad fee simple,

et

& si ieo releſſe a luy & a ſes heires de ſon corps, donq̄ il ad fee taile. Et iſſint il couient de ſpecifier en le fait de releſe q̄l eſtate celuy a q̄ le releaſe ē fait auera. Mes ſi ieo ſoy diſſeiſi, & aps ieo releſe al diſſeiſor tout mon droit ſans pluis dire dōq̄ p cel releſſe l' diſſeiſor ad vn droiture l fee ſimple pur c̄ q̄ il auoit vn fee ſimple adeuant. Et pur c̄ nota bene quant vn a q̄ le releaſe eſt fayt ad fee ſimple il nē be ſoigne de parler a aū a luy & ſes heirs, mes quaunt vne home ad eſtate pour terme de vie, il couiēt adire in le releſſe, a luy & ſes heires, ou a luy & ſes heirs de ſon corps, ou hys body, then ſee hathe fee taile, and ſo he ought to ſpecifie in the deede of the releaſe what eſtate he to whom the releaſe is made, ſhall haue. But yf I bee diſſeyſed, and after I releaſe to ẏ diſſeiſour all my righte without anye more ſayinge, then by ſuche releaſe, the diſſeiſoure hathe a rightful fee ſimple, for that he had a fee ſimple before. And for that note well when one to whom the releaſe is made, hath fee ſimple, yt is neede to ſay to haue to hym and hys heires. But when a man hathe eſtate for terme of lyfe, hee oughte to ſaye in the releaſe, to him and his heires, or to hym and hys heires of hys bodye or other wyſe hee hathe

hathe noe greater estate then hee had before.

¶ Remitter is, when a man hathe two titles to anye lande, and he commeth to the lande by the last tytle, yet hee shalbee iudged in by force of hys elder tytle, and that shal be sayde to hym a remitter, as yf the tenaunt in the tayle discontinue the tayle, and after dysseyseth hys discontinue and dyeth thereof seised, and the landes discendeth to his yssue or cosin collateral by force of the tayle, in that case hee is in hys remytter, that is to say, seysed by force of the taile, and the tytle of the discontinue is vtterlye annulled and defeated, & the reason and cause of

auterm̃t il nad pluys greinder estate que il auoit adeuant.

Remitter est quant vn home ad deux titles a ascun terre, et il viēt al terre p le darrein title, vnde il serra adiudge eins p force de son pluis eisne tytle, & ceo serra dit a luy vn remitter com̃ si tenaunt en le tayle discontinua le tayle & puis diss. son discō tinue & murrust ent seysie, & les terres discendōt a son issue ou cosin inheritable per force del taile, in ceo case il est in sō remitter. s. seysie per force del tayle, & le tytle del dyscontinue est ousterment anyent & defeate, & le reason & cause de tyel

tiel remitter eſt, pur ce q̄ tiel heire eſt tenant del terre, et neſt aſcū ſon tenāt vers que l p̄oit ſuer ſon briefe de Formedon pur recouer leſtate tail, car il ne puit auer action vers luy meſm. Auxy ſi tenant in le taile in feoffa ſon fits ou heir apparaunt in le tayle que eſt deins age, & puis deuie, ceo eſt vn remitter al heire, mes ſil fuit de plein age al temps del tiel feoffement, il neſt remitter pur ceo q̄ il fuit ſō folye que il eſteaunt de pleine age, voile prēder tiel feoffement. Auxi ſi le barō alyen terre que il ad en le droit ſon fēe, & puis repriſt eſtate a luy & a ſon feme pur terme

of ſuche remitter is, for that that ſuche an heire is tenaunt of the land, & there is no ꝑſon tenant againſt whō he may ſue his writ of Formedone for to recouer the ſtate tailed, for he may not haue an actiō againſt himſelf. Alſo if tenāt in ỹ taile infeoffe his ſonne or heire apparant in the taile which is in age and after dyeth, that is a remitter to the heire. But if hee were of full age at the time of ſuche feoffemēt, it is no remitter, for that that it was his folye, that hee beynge of full age, would take ſuche a feoffement. Alſo if the baron alien landes that he hathe in the right of his wyfe, & after take an eſtate againe to hym and to his wife for terme

of

of their liues, that is a remitter to the woman for that ẏ thys alienacion is the acte of the baron and not of the woman, for no foly may be adiudged in the woman durynge the life of her husbande, but if such an alienacyon be by fine in court of recorde, suche a takinge againe afterwarde to the baron & wife for terme of theire liues, shall not make the woman to bee in her remitter, for ẏ in suche a fyne the woman shalbee examined by the iudge, & such examinacyons in fines, shal exclude suche women for euer, Also whē the entre of any man is lawfull, & hee takethe an estate to hym when he is of age, if it be not by deede indented, or mater of record, which

de lour vies, c̄ est vne remitter al fēme, pur ceo q̄ cē alienatiō est lact le barō & nemy le feme, car nul folly puit eē adiudge en le feme durant le vie le baron mes si tiel alienatiō soit per fine en court de record, tyel reprisell apres al barō et feme pur terme de lour vies, ne serr' fait la fēe deste en son remitter, pur c̄ q̄ en tiel fine le feme serra examine per le iudge, & tiels examinations en fines, excluderont tiels femmes a toutes iours. Auxi quant entre dascun home est congeable & il pryst estate a luy quaunt il est de pleine age si ne soyt per fayt indente ou matter de record, que luy estopera, ceo

serra a luy bon remitter.

Rents sount en diuers maners, cestascauoir, rent seruice, rēt charge, & rent secke. Rent seruice est, lou le tenaunt in fee simple tiēt sa terre de sō seigniour per fealtye & certaine rent, ou ꝑ auter seruice & rent, & dōq; si le rent de le tenant soit arrere, le seignior puit distrain pur la rent, mes pur c̄ il iammais nauera action de dette. Auxi si ieo done terres en le taile a vn home rendant a moy certayne rent, ore tiel rente est rēt seruice, mes en tyel case il couient q̄ le reuersiō soit en le donour, car si home fait feffm̄t en fee ou dōe

shall estoppe him, that shall bee to hym a good remiter.

¶ Rentes bee in dyuers maners, that is, rent seruice, rent charge, & rent secke. Rente seruyce is, where the tenant in fee simple holdeth his lande of his lord by fealty and certain rent, or by other seruice and rent, and thē yf the rent of the tenant be behinde, the lord may distrain for the rent, but for that he shal not haue an actiō of debt. Also yf I geeue land in taile to a man paying to mee certayne rent, then such rēt is rente seruyce. But in such case it ought ẏ ẏ reuersion be in the donour for if a mā make feffem̄t in fee, or a gift in taile, ẏ remaynder ouer in fee with-

wythout deede, reser-
uinge to him a certayne
rente, suche reseruacion
is voyde, and that is by
the statute Quia empto-
res terrarum, and then
hee shal holde of the lord
of whom hys honoure
held. But if a manne by
deede indent at suche a
daye make suche gifte in
tayl, the remainder ouer
in fee, or lease for terme
of life, the remaynder o-
uer, or a feoffement, and
by the same endēture re-
serue to hym rente, and
yf the rent bee behinde
that well it is lawfull to
hym to distraine, thenne
such rent is rent charge.
But in suche case, yf
there bee not anye suche
clause of dystresse in the
deede, then suche rente
is called rente secke.

en le taile, le remain-
der ouster en fee, sās
fayt, reseruaunt a luy
vn rent, ceste reseru-
on est voide, & cē est
per force del statute
quia emptores terra-
rum, & donques il ti-
endra de le seigniour
de que sō donour te
noyt, mes si hom̄ per
fayt indent a cel iour
fayte tyel done en le
tayle, le remaynder
ouster en fee, ou lesse
a terme de vie, le re-
maīder ouster, ou vn
feoffement, et per m̄
lendenture reserua a
luy vn rent, et que si
le rente soyte arrere,
que byen lirroit a luy
a dystreyner, ore tyel
rent est rent charge,
mes en tiel case si ne
soit ascū tiel clause de
distr' en le fait dōq; ti
el rēt e appel rēt seck.

& pur tiel rent seck, il ne iammais distreinera, mes sil fuyt vne foits seisi, il auera Assise, & si il iammays ne fuit seisi est sauns remedye. Auxi si vne grant vn rent issaunt hors de sa terre oue clause de distresse, cē vn rēt charge, & si le rent soit arrere, le grātee poit eslier de dystreiñ ou suer vn brief dānuitie, mes il ne put auer ambideux, car sil port briefe dannuitie, donques le terre est discharge. Et sil distreiñ & auowa la prise en courte de record, donques le terr' est charge, & le person del grantour discharge. Auxy si vne graūt vn rēt charge, & la grauntee pourchase le moytye de-

and for suche rent secke he shall neuer distraine, but if he were once seised he shall haue assise. And if hee were not seysed, yt is without remedy. Also if one graunt a rente goynge oute of hys lande with clause of distresse, ỹ is rente charge, and yf the rent bee behinde, the grauntee maie choose to distraine or sue a writ of Annuitie, but hee cannot haue bothe, for if hee bringe a writ of Annuitie, then the land is dyscharged. And if hee dystraine & auowe ỹ takyng in the court of record, thē the land is charged, & the person of the grauntour discharged. Also yf one graunt a rente charge, & ỹ grauntee purchasethe half of the lande, then all

the

the rent is extinct, but in rent seruice if the Lorde pourchase parcell of the lande, thenne the rente shall bee appoycioned but yf one hathe a rent charge and hys father pourchase parcel of the lande and that parcelle descende to the sonne which hath rent charge, then the rent shalbe appoycyoned accordyng to the value of the lande as it is sayd of rent seruice, for yt that the sonne commeth to that not by hys owne acte, but by discent. Also if I make a lease for terme of yeres reseruing to me certaine rent, that is called a rente seruice, and for that it is at my liberty to distraine for the rent, or to haue an action of debt, but if the lease be determined, & the rent be

la terr' ore tout le rēt est extinct, mes en rēt seruice si le seigniour purchace parcell del terre donques le rent serra aporcion, mes si vn ad vn rent charge & son pyer purchase parcel del terre, & cel pcel descend a le fits que ad le rent charge ore cel rent serra apporcion solonc̄ le value del terre come est dit de rent seruic̄, pur ceo que le fits ne vint a ceo p̄ son act demesme. mes p̄ discent. Auxi si ieo fait vn lesse pur terme dans seruant a moy vn certain rent, cē appel vn rent seruice: & pour c̄ il est a mon libertye a distrainer pur le rent ou auer vn action de det, mes si le lesse soit determyne, & le rent

soit arrere, donqs ieo ne puisse distrein, mes serra mye a mon actiõ de det.

behinde, then I cannot distraine, but shalbe put to my action of debt.

Replicacion est quant le def. en ascun action fayte respons a ceo, cest est appel la replicacion le plaintife, & reioinder est quaunte le defendaunt fayte respons al replycacyon.

¶ Replycation ys when the defendaunt in anye actiõ maketh an aunswere and the plaintif maketh an aunswere to that, that is called the replicaciõ of the plaintif, and a reioinder is when the defendãt maketh aunswere to the replicacion.

Repleuyn est vne briefe & gyst quaunt ascun home distraine vne auter pour rente ou auter chose, don ques il auera cest brief al vicont pour delyuer a luy la dystres & trouera suerty de pursuer son action, & si il ne poursua ou soit troue & iudged encounter luy donques cesty que prist la re-

¶ Repleuyn is a writte & it liethe when anye man distrainethe another for rent or other thing, then hee shal haue this writ to ỹ shirif to deliuer to him the distres, and shal find suertie to pursue his action, and if hee pursue it not, or if it be founde or iudged against him, then he that tooke the distres shal

shal haue the distres, and that is called the returne of the beastez, and he shal haue in such case, a writt that is called returno habendo. Also if it bee in anye fraunches or baylywike, the party shal haue a repleuin of the shirife direct to the baylife of the same franches for to deliuer them againe and he shal finde suertie to pursue his action at the nert coũt, & this repleuin may be remoued out of ỹ coũtye vnto the comen place by a writte of recordare, lore more of ỹ repleupne in the title distres. Also a writ de homine replegiãdo. lieth wher a mãys in prison & not by special cõmãdmẽt of ỹ king nor of his iustice, nor for ỹ deth of a manne nor for the kynges forestre nor suche auera le distres & cest appel returne des aũs, & il auera en tiel case briefe q̃ est appell de returno habẽdo. Auxi si soit en ascun fraunches ou bailiwike le p ty aũa vn repleuin del vic̃ direct al bailife de m̃ le franches pur eux redelyuer & trouera suerty de pursuer son acẽ al prochein county, & cẽ repleuin puit este remoue hors del countye en le comen bank p brief de recordare, vide pluis de repleuin deuant tytulo distres. Auxi briefe de homine replegiando, gist lou home est en prison, & nemy p especial commaũdemẽt le roy ne de ces iustices, ne pour mort de home, ne pur le forest le roy, ne pour tyel

eause que nest repleuisable, donques il auera cest briefe dyrect al vicout q̄ il luy faire esſ repleuin & cest briefe est vn iustic̄ & nyent retournable, & si le vicont ne c̄ face donques issera auter briefe sicut alias & a pres, auter briefe sicut pluries, vel causam nobis significes que serra retournable, & si le vicont vnquore ne face repleuin, donques issera vn attachement vers le vicont direct al coroners dat tacher le vicount & de luy amesner deuāt les Iustice a vne certaine iour & ouster ceo que ils facent execucyon del prymer briefe.

cause that is not repleuisable, then hee shall haue this writ directed to the shirife that hee cause him to be repleued. this writ is a Justices and not returnable, and if the shyrife doe it not, then there shal goe foorthe another writte, sicut alias and afterward another writte sicut pluries vel causam nobis significes, which shalbe retournable, and if the shirife yet make no repleuin, then there shal goe foorthe an attachement against the shirife directed to the corroners to attache the shirife and to bringe him before the Justice at a certain day, and furthermore ẏ̄ they make execution of ẏ̄ first writ.

Rescous ē vn brief &

¶ Rescous is a writ and

it

it lieth when anye man taketh a diſtreſſe and another taketh it againe from hym and will not ſuffer him to bringe the diſtreſſe with hym, then hee dothe to him reſcous and vpon that hee maye haue this writ and ſhall recouer damage. Alſo yf one diſtraine beaſtes for dammage feſaunt in his ground, and driueth thē in the hye way for to impoūd them, and in going they enter into the houſe of him whoſe theye bee, & hee withholdeth them there and will not ſuffer ỳ other to impound them then that withholdinge is reſcous.

¶Reſcept is when anye action ys brought againſte the tenaunte for terme of life, or tenaunt

gyſt quant aſcū home prēt diſtres et vn auter repriſt la diſtreſſe a luy & ne luy voyle ſuffer a meſme le diſtres oue luy donques il fait a luy reſcous, & ſur ceo il puyt auer ceſt briefe & recouera dammages. Auxi ſi vn diſtrain beſtes pur dammage feſaunt en ſa terre & les enchaſa per le haute chymyn pur eux enparker & en alant ils entrente en le meaſon celuy a que ils ſount, & il eux detient la & ne voile ſuffer lauter de eux imparker. donques ceo deteyner eſt reſcous.

Reſceyt eſt quant aſcun action eſt port vers tenant pur term̄ de vye, ou tenaunt a terme

term dans & ceſty en la reuercion vint eins pur pria deē reſceyue pur defēd' la terre & pur plede oueſque le demaūd. Auxy quant il vint il couient que il ſoit toutes foits priſt a pleder oue le demandaunt. Scire facias eſt vn brief iudicial iſſant hors de record et giſt lou vne ad recoū det ou damages en court le roy, & il ne ſue pas daū execucion deyns lan & le iour dōques apres lan & iour il auera le dit briefe agarner le parte, & ſi le pty ne vein ou ſil veyn & ne ſauoit riens dire encounter execucion donques il auera vne briefe de fieri facias directe al vicount luy commaundant que il leue le det ou les daū

for terme of yeares, and hee in the reuerſion cōmeth in and prayethe to be receiued for to defend the land, and for to plede with the demaundaunt. Alſo when hee commeth it behoueth that he be alway redy to plede w̄ the demandant. Scire facias is a writ iudicial goinge out of ỹ record, & it ſpethe wher one hath recouered debt, or dāmages i ỹ kinges court & he ſueth not to haue erecucion w̄in ỹ yere & ỹ day, then after ỹ yere & ỹ day, he ſhal haue ỹ ſaid writ to warne ỹ pty & if the party come not or if he com & nothing ſai againſt ỹ erecutiō, thē he ſhal haue a writ of fieri facias directed to ỹ ſhirife him commaūding ỹ he leuy ỹ debt or damages of the good

the goodes of him ẏ hath lost. Also this writ of fieri facias lieth within the yere without anye scieri facias sued. Also if ẏ sōme of ẏ same debte or damages may not be leuied of the goodes of him ẏ hath lost them, he may haue a writ of elegit dyrected to the shirife ẏ he cause him to deliuer the one half of his lands & goods except his oxen & implementes of his carte. Also when one hath recouered debte or damages in an actiō ꝑsonal (wher the proces is a capias) he may haue another writ of execucion called a capias ad satisfaciendum for to take ẏ body of him ẏ is so condēpned, which shalbe cōmitted to prisō there to abide wout bail or maiprise til ẏ he hath satisfied ẏ parti

des bñs celuy q̄ ad ꝑdue. Auxy cē brief de fieri facias gist deīs lā sans asc̄ scieri facias suer. Auxy si le som̄ de m̄ le det ou damages ne puyt este leue des bñs celuy q̄ auoit perdue, donq̄ il puyt aū vn brief de elegit dyrect al vic̄ q̄ il fac̄ luy deliū la moiti de sa terre & byens except ses boues & affreis de sa carue. Auxi quant vn ad recoū det ou dam̄ en action ꝑsonal (lou le proces est vn capias) il puit auer vn aut' brief de execucion appel capias ad satisfaciendum, pour prender le corps celuy que est issint condempñ que serra commit al prisō illōq̄ a demurrer sans bail ou mainprise tāq̄ il ad satisfie le partye.

Auxy

Auxy quaunt vne ad iudgement de recouer aſcun terres ou tenementes il auera vn brief appell haberefacias ſeiſinam direct al vicount luy commaũdaunt de delyũ a luy ſeiſin de meſme le terre iſſint recouere, vide plus de ceo en le title fieri facias, & en le title execucion.

Alſo whenne one hathe iudgement to recouer any lands or tenementes, he ſhal haue a writte called habere facias ſeiſinã directe to the ſhirife hym commaundinge to delyuer to hym ſeiſin of the ſame lande ſo recouered. See more of that in the title fieri facias, and in ỹ title execucion.

Seruice de chyualer vide de ceo en le title graunde ſerieanty, & en le title eſcuage.

Seruice de chyualer, looke of that in the tytle graunde ſerieaunty, and in the tytle eſcuage.

Summons ad warrantizandum & ſequatur ſub ſuo periculo, vide de ceux apres en le title voucher.

Summons ad warrantizandum & ſequatur ſub ſuo periculo, ſee of them after in the tytle voucher.

Taile vide de ceo deuãt en le title fee tail.

Tayle looke therefore beefore in the tytle fee tayle.

Trea-

¶ Tresure troue is whē any money, golde or siluer, plate or bolleyne, is found in anye place, and noe manne knowethe to whom the propertye is, then the propertie therof belongeth to the king, & that is called treasure troue, that is to saye, treasure founde. But yf anye mine of mettal bee founde in any grounde, that alwaye pertayneth to the lord of the soile, excepte it bee a myne of gold or siluer which shal be alway to the kinge in whose groūd soeuer they bee found.

Treasure troue est quaunt ascun money or, argent, plate ou boliō, est troue en ascū lieu, & nul conust a que le proprety est donques le property de ceo appertient al Roye, & ceo est dyt treasure troue. Mes si ascun mineral demettall soyte troue en ascun terre, ceo toutes foytes pertient al seigniour del soil, forsque que il soyt minerall de or, ou de argent, queux serrount toutes foites al roye, en quecunq; soil q̄ ils sont troues.

¶ Treason is in two maners, ẏ is to say, graund treason & petit treasō, as it is ordeined by the statutes and therfore looke the statutes.

Treason est en deux maners. s. haute treason, & petyt treason, come est ordeine per lestatuts, et ideo vide statuta.

Waste

Waſt eſt vn brief & giſt lou tenāt a term̄ dans, tenaunt a term̄ de vie, ou tenant pur terme dauter vy, teñt en dower, ou tenant p la curteſye, ou gar dein en chiualry fayt waſte ou deſtruction ſur la terr'.s.ſil debru ſa meaſon, ou coupe meriſme, ou ſuffer le meaſon voluntarilye pur eſchier donq̄ cēi en le reuerē auera cē brief & recouera le li eu ou le waſt fuit fait et.iij.dam̄.mes ſi hom̄ coup̄ meriſm̄ ſans ly-cence, et oueſque ceo repaire les auncyens meaſons, vnē ceo nē pas waſt. Mes ſil oueſ que le meriſme edifia vn nouel meaſon dō ques le couper de ty-el meriſme eſt waſte. Auxi de coup de ſub

WAſt is a writ and it lyeth where tenaunt for terme of yeres, tenāt for terme of life, or teñt for terme of anothers life, te nant in dower, or tenant by ỹ curteſie, or gardein in chiualrye dothe make waſt or deſtruction vpon ỹ lād, ỹ is to ſay, pullethe down ỹ houſe, or cutteth down timber, or ſufferethe ỹ houſe willingly to fall, thē he in the reuerſiō ſhal haue this writ, & ſhal re-couer the place wher the waſt is done, & treble da-mages. And if a man cut down timber without li cence & therw̄ repayreth olde houſes, yet ỹ is noe waſt. But if he w̄ ỹ tim-ber builde a newe houſe, thē the cutting downe of ſuch timber is waſt. Alſo the cutting down of vn-derwood

underwood or willows, whiche is no timber shal not be said waste, but yt they growe in the syght or shadow of the house.

boys ou wyllous que neſt pas meriſme, ne ſerra dyt waſte, ſynon que ils creſſount en le vievve del ſite del meaſon.

¶ Vyew is when anye action reall is brought & the tenant knoweth not wel what lande it is that the demandaunt asketh, then the tenāt shall pray the view, ꝑ is to saye, ꝑ he may see ꝑ land whiche he claimeth. But if the tenant hath had the viewe in one writ, & after the writ is abated by mysnomber of the towne, or by iointenure, & after the demaundant bryngethe another writ against the tenant, then the tenaunt shall not haue the vyew in the second writ.

Vievv eſt, quaunt aſcun action reall eſt port & le tenaunt ne ſcauoit biē quel terre il eſt que le demaundant demaū̄d, donq̄ le tenant priera la vievv.s.q̄ il puit voyer le terre que il claima. Mes ſi le tenaunt ad evv le vyevv en vne briefe, & puis le brief eſt abatus per myſnomber de vylle, ou per iointenure, & puys le demaundaunt port vne tyel bryefe vers le tenaunt, donque le tenaunt naueera le vievv en le ſecōd briefe.

Vil-

Villenage est vn tenure, & est quant vn hõe tiẽt de sõ sñr per villein seruices, come de carier le fiñ le sñr ou auter vile seruice, & cest tenure ne fra frank home villeine, car vn villeine est celuy que est villein de sank & de tenure, & le seigniour puit luy ouster de ses terres et tenementes, & puyt prender tout ses bñs, & luy chastiser a son pleasure, salue que il ne puyt luy mahym, car donque il auera vers son seignior vn briefe de mahyme, & ascuns sont villeines per tytle de prescription, que toute loure sank ont este villeins regardaunts a le maner dun seigniour de tẽps de nõ memorye,

Villenage is a tenure and is whenne a manne holdethe of hys lorde by villeyne serupce, as to carye the dongue of hys lorde, or other vyle serupce, and suche tenure shall not make a free mã villeyne, for a villeyne is hee whiche is villeine of bloude and of tenure, and the lorde maye put him from his landes and tenementes, and maye take all hys goodes, and chastice him at his pleasure, sauing that he cannot maime him, for then he shal haue agapnst his lorde, a wrytte of Mayhem. And some bee villeins by title of prescription, that is to say, ỹ they haue ben villeins regardãts to ỹ maner of a lord of time of noe memorye.

And

And some be villeins by their cõfession in a court of recorde. Also the lord maye make a manumission to his villayne, and make hym free for euer. Also yf the villein bring anye action agaynste his lorde, yf it be not Appele of mahyme, and the lord make aunswere vnto it, thenne by this the villeyne is made free. Also yf a villeyne purchase lande, and hathe goods, & sell the lands and goods beefore anye entre or seysin made by the Lord the sale is good. But the kynge whyche is Lorde of a villeyne in suche case maye enter & seyse the lande after such sale made, for noe tyme runnethe agaynste the kynge.

Et ascũ sont fait villeins p lour confessiõ en vn court d'record Auxi le seignior puit fair vn manumission a son villein & luy in fraunchiser a toutes iours. Auxi si le villeī port ascun actiõ vers son seignior, si ne soit Appell de mahim, & le seignior a ceo fayt respons, donques per ceo le villeine est infraunches. Auxi si vn villeī purch. terre, & ad biens & vende les terres & biens deuãt asc̃ ent' ou seisin fait p le sñr. la vend' est bon, mes le roy queé seignior de villein in tiel case puit enter & seiser le terre aps tiel vende fait, quia nullum tempus occurrit regi.

Vi laica remouenda
est vne briefe, & gist
lou debate est penter
deux psons ou ꝓuy-
fours dune esglise, &
lun enter en lesglise,
oue grand power de
lay homes & tiēt lau
ter de hors oue force
& armes, donc celui
q̄ est tenus de hors, a-
uera le dit briefe dy-
rect al vicount que il
remoua cest power q̄
est deins lesgl'et serr'
commaunde al vic̄ q̄
sil troue aſcuns hōes
la contristeaunts, que
le vic̄ prender oues
luy la poyar de son
coūty si besoign̄ soyt
& fra attache p lour
corps touts ceux luy
resistеants, & les mit-
tera in prison issint q̄
il eyt lour corps de-
uant le roy a certeyn

¶ Vi laica remouenda is a writ, and it lyeth wher debate is betweene two persons or prouisors for a Church, and one of thē entrethe into the church with great power of lay men, and holdeth ẏ other out with force & armes, then hee ẏ is holden out shal haue this writ directed to the sherife that he remoue the power which is within the church, and the sherife shalbee commaunded that if he finde any men there withstanding, ẏ the sherife shall take with him the power of his countie if neede be, and shal arrest the bodies of all them him resisting, and shal put them in prison, so that he haue their bodies before ẏ kig at a certaine day to aunswere

swere to the contempte. And thys wrpt is returnable, and it shall not be graunted before that the bishop of the place where suche a churche is, hathe certified in the chaūcerie such resisting & force.

iour de respōder del contempt. Et ceſt br' eſt retournable & ne ſerra graunt deuaunt que leueſque del lieu lou tiel eſgliſe eſt, eyt certifye en le chaun cery tiel reſiſtance & force.

¶ Withernam. Looke therfore before in the title Distresse.

Withernam. Vide de ceo deuant, titulo Diſtreſſe.

¶ Utrum is a writ, and it lyeth when the ryghte of anye churche is alie-ned and holden in laye fee, or translated into the possessyon of an other church, & the alienour dieth, the his successor shal haue the saide writ. And note well that none that hathe couente, or commen seale maye maintayne this wrytte, but a writ of Entre sine assesu

Vtrum ē vn briefe & giſt quant le droit daſcun eſgliſe eſt aliē & tenus in laye fee ou tranſlate in poſſeſ ſion dauter eſgliſe, & le alienour deuie, dō ques ſon ſucceſſoure auera le dit briefe. Et nota que null que ad couent ou commen-ſeale puit mainteiner ceſt briefe, mes briefe Dentre ſine aſſenſu

capituli de alienatyō fait per ſon predeceſſour.

Volunte eſt, quant le tenāt tient a la volunte del leſſour ou del ſeigniour, & c̄ eſt in.ij. manners, vn eſt quant ieo fait leſſe a vn home des terres, a tener a ma volunte, dōq; ieo puis luy ouſta a mō pleaſure, mes ſi il emble le terre, & ieo luy ouſta, dōq; il auera ſon imblement & egreſſe & regreſſe ieſq; ils ſont matures pur eux ſcieret carier hors del terre & tiel tenant a volunte nē pas tenus de ſuſteyñ & repayrer le meaſō ſicōe tenant a terme dans eſt tenus, mes ſil fait voluntary vvaſt, le leſſour auera vers

capituli of the alienation made by hys predeceſſoure.

¶ Volunte is, when the tenaunt holdethe at the will of the leſſour, or of the Lorde, and that is in two manners. One is, when I make a leaſe to a man of landes, to hold at my will, then I maye put him out at my pleaſure. But if hee ſowe the grounde, and I put hym oute, then hee ſhall haue his corne, and goyng out and cōmyng in tyll they bee rype to cut and carye out of the grounde. And ſuche tenaunt at will is not ſo bounde to ſuſteine and repaire the houſe as a tenant for terme of yeres is bounde. But if hee make wilful waſt, ỹ leſſour ſhall haue agaynſte him

hym an actiō of treſpas. Alſo ther is an other tenaunt at wil of the lorde by copy of court rolle, according to the cuſtome of the maner And ſuch a tenaunt may ſurrender ȳ landes into the hands of the lorde by cuſtome to ȳ vſe of another for terme of life, or in fee ſimple, or in tayle, and then he ſhal take the land of the lorde or his ſtewarde by coppe, and ſhall make fyne to the Lorde: but yf the Lorde put oute ſuch a tenant hee hathe no remedye but to ſue by petition and if ſuche a tenaunte will implede another of the landes &c. hee oughte to enter a plainte in the courte, and ſhall declare in the nature of whate writte hee wyll, as the

luy vn action de treſpas. Auxy eſt auter tenant a volunte del ſeignior per copy de court rol ſolonque le cuſtome del maner. Et tiel tenaunt puyt ſurrender le terre en le mains le ſeigniour par le cuſtome al vſe vn auter pur term de vie, ou in fee ſimple ou fee taile, et donq̄ il prendra le terre del ſeignor ou ſon ſeneſchal par copy, & ferra fine al ſeignor, mes ſi le ſeigniour ouſta tiel tenaunt il nad remedye, mes de ſuer p peticion & ſi tiel tenaunt voile implede vne auter des terres &c. il couyent enter vne plaint in le court & countera en le nature de quel briefe

il voit ſicome le caſe giſt.

Vtlary eſt quant exigent iſſint vers aſcun home & proclamacion fait in v. counties don̄q; a le v. countye ſi le def. napere le coroner donera iudgm̄t q̄ il ſerra hors de protectiō de roy & hors del eide le ley, & per tiel vtlagarye in accions perſonels le party vtlage forfetera toutes ſes biens & chateux al roy. Et p̄ vtlagary in felony il forfetera auxi bien touts ſes terres & tenemēts q̄ il ad in fee ſimple, ou pour terme de ſa vie: come ſes biens & chateux. Auxy meſq; vn home ſoit vtlage vncore ſi aſcun diſcontinuaunce ou errour cauſe lieth.

¶ Vtlary is when an exigent goeth forth againſt any man, and proclamacion made in v. counties, then at the v. county yf ŷ defendaunt appere not, thē the coroner ſhal giue iudgemēt that he ſhalbe oute of the protection of the kinge, and out of the eyde of the lawe, and by ſuch an vtlary in actions perſonels the party outlawed ſhall forfayte all his goodes and catels to the king, and by an vtlary in felony hee ſhal forfet aſwell al his landes, and tenementes that he hath in fee ſimple, or for terme of his lyfe, as hys goodes and catels. Alſo though a man bee outlawed, yet if any errour or diſcontinuaunce bee in ŷ

ſuyte

suite of the proces the pte therof shal haue aduaun tage, and for suche cause ꝑ vtlary shalbe reuersed, & adnulled. Also yf the pte defendant be ouer the sea at the time of the vtla rye pronounced that is a good cause of the reuer sal of the vtlary. Also yf an erigent bee awarded againste a man in one countye where hee dwel leth not, yet an erigēt ꝯ proclamacion shall goe forth to the county wher hee dwelleth, or els if he bee thereuppon vtlawed the vtlary may be reuer sed as it appereth by the statute made the iiij. yere of king Henry viij. Also if a man be out lawed in an action parsonel at the suyte of an other, and after hee purchase hys

soit in la suyte del ꝑ-ces le partie de ceo a-uera la aduantage & pur tiel cause lutlaga-ry serra reuerse & ad nul. Auxy si le party defendāt soit vlter la mere al temps de vt-lagarie ꝑnounce ceo est bone cause de re-uersal del vtlary.

Auxi si vn exigēt soyt agard vers vn hōe in vn countye lou il ne demurra pas, vncore vn exigent oue ꝑcla-macion isera al coūty lou il demurre ou au-term̄t sil soit sur c̄ vt-lage vtlagary puit eē reuerse cōe appyerte per lestatut fait anno iiij. Henrici octaui.

Auxy si vn soit vtlage in action personel al suyte dune auter & puis il pourchasa son

charter de pardon de roy tiel charter ne ser ra iammes allow tanque il ad sue vn briefe de scire facias de garñ le party pleintife, & si il appere, donques le defendant respondera a luy & luy barrer de sa action, ou auter ment de ferra agreement ouesq; luy.

Wreke est lou vne niefe est perishe sur la mere, & nul home escape viue hors de niefe, & la niefe ou ꝑtie del niefe issint perishe ou les biens in la niefe vynt al terre dascune seigniour, le seignyor les auera come vne wreke de meere, mes si chyen ou echate escape viue issint que la partye a que les biens sont veigne deyns lan

charter of pardon of the kynge, such charter shall neuer be allowed, til he hath sued a writte of scire facias to warne the party plaintife, and yf hee appere, then the deff. shal aunswere hym, and barre hym of his action, or els to make agreemente with him.

¶ Wreke ys where a shippe is perished on the sea, and no man escapeth a liue oute of the shippe, and the shippe, or parte of the shippe so perished, or the goodes in the shippe come to the lande of anye Lord, the Lorde shal haue that as a wreke of the sea, but if a dogge, or cat, escape a lyue, so ẏ the party to whome the goodes belong come wͭin a yeare and a daye, he shal

shal haue hys goodes, & they shal not bee sayde wreke by the statute of Westm primo.capi.4.

¶ Voucher is when a precipe quod reddat of lande is brought against a man, & another oughte to warrante the lande to the tenante, then the tenaunt shall vouche hym to warranty, and therevpon he shall haue a writ called summonias ad warrantizanoum, and yf the shirife retourne, that hee hath nothing by the which he maye be summoned, then ther shal go forthe a writte called sequatur sub suo periculo, and when hee commeth, he shal plede wythe the demaundant, and if hee come not, or yf hee come and cannot barre the de

& iour, eit ses byens & ne serra dit wreke p lestatute westm primo.ca.iiij.

Voucher est quant vn precipe quod reddat de terre est porte vers vn hõe, & vn auter doit garrauntie le terre al tenant, donq; le tenant luy vouchera a garraunty, & sur ceo il auera vn briefe appel summonias ad warrantizandum, & si le vicount retourne que il nad riens per q̃ il puit este som, donques issera briefe appel, sequatur sub suo periculo, et quaunt il vint il pledera ouesq; le demaundaunte, & si il vint & ne puyt barre le demaundant don-

donques le demaun-
dant recouera la ter-
re vers le tenant, & le
tenant recouera tant
de terre in value vers
le vouche, & ſur ceo
il auera vn briefe ap-
pel capias ad valen-
tiam vers le vouche,
vide plus de vou-
cher deuaunt
titulo gar-
ranty.

maundant, then the de-
maundant ſhall recouer
the land againſte the te-
nãt, & the tenant ſhal re-
couer aſmuch land in va
lue againſt the vouche, &
therupon hee ſhall haue
a writ called capias ad
valentiam againſte the
vouche. Looke more
of voucher before
in the tytle
garrãty.

Finis.

To holde by knightes seruice, is to holde by homage, fealty, and escuage, and it draweth to yt warde mariage, and relief, and know thou that knight seruice is seruice of landes or tenementes to beare armes in warre in the defence of the realme, and it oweth warde mariage, and relefe, by reason that none is able nor of power, nor maye not haue knowledge to beare armes before that hee bee of the age of xxi. yeres. And for so muche that the Lorde shal not leese that that of righte hee ought to haue, and ỹ the power of the realme, of nothing shalbe made weke. The law will because of his tender age, ỹ ỹ

Tenir per seruyce de chiualer est a tener per homage fealtye, & escuage & treit a luy garde mariage & reliefe. Et nota que seruice de chiualer est seruyce de terre, ou de tenemẽts pour armes porter en guerre en defence de royalme, & doit gard mariage & reliefe per la reason que nul est able ne de power & ne puite auer conusaunce darmes porter auaunt que il soyt dage xxi. ans. Et pur taunt que le seignyour ne perdra ceo, q̃ de droit doit auer, & que la povver de la royalme de ryen ne soyt enfeeble. La ley voet per cause de son tender age que son seig-

seignioure luy auera en sa garde tanque al pleine age de luy cest assauoir xxi. ans.

Tenir per graunde serieantie est sicome vne home tyent certeine terres ou tenementes de roye daler oue luy en son hoste ou de porter son banner oue luye en ses guerres, ou amesner son hoste ou tiel semblable, et a ceo appēt garde mariage & reliefe, sicome il appert en la treatise de gardes & reliefe.

Tenir per petit serieantye est sicome vn home tiēt de roy terres ou tenements rendaunt a luy vn cottel vn escu, vn setes vne arke, sauns corde, ou

Lorde hym shall haue in his warde till the ful age of hym, that is to say. xxi. yeares.

¶ To holde by graunde serieanty is as if a man holde certain lands or tenementes of the king to goe with hym in hys hoste, or to bere his banner withe hym in hys warres, or to lede his hoste, or such like, and thereto belongeth warde mariage and reliefe, as it appereth in the tretise of wardes and reliefes.

¶ To holde by petit serieantie is as if a man holde of the kinge landes or tenementes, yeldinge to him a knife, a buckler, a sheffe of arrowes, a bow without string, or other like

like seruice at the wyl of the firste feoffoure, and there belõgeth not ward maryage ne relyefe as it appearethe in Magna charta, capitulo xvi. And marke well that a man may not holde by graũd nor petit serieauntie, but of the kynge.

¶ To holde by escuage is by knight seruice, and there belongeth warde, mariage and relief. And marke well that a man maye not holde by escuage, but that he holde by homage, for that escuage of commen ryghte draweth to him homage, as it was iudged ẏ xxi. yere of Edwarde the thirde, And note wel, that escuage is a certayne somme

auter seruyce semblables, a la volunte le primer feoffour. Et la nappent garde mariage ne relief, come appiert Magna carta Capitulo. xvi. Et nota que home ne puyt tener per graund serieauntie, ne per petite serieantie, sinon del roy.

Tenir per escuage est a tenir per seruice de chiualer. Et la appent garde, mariage, & relief. Et nota que home ne puit tenir ꝑ escuage, sinon que il teigne per homage, pur ceo que escuage de commen droyte treyt a luy homage come il fuit adiudge in áno. xxii. Edward' iij. Et nota que escuage est vne certeyne somme

ſomme de argent, & doit eſtr' leue p le ſñr de ſon tenant ſolõq; le quantitie de ſõ tenure quãt le eſcuage courge p tout Engl'. Et ordeyn eſt p tout le counſel denglet', q̃ cheſcun tenant done ra a ſon ſeigniour, & ceo eſt ꝑpreñt pour ſuſteiner la guerre p enter Engleterre & ceux de eſcoce ou de Galeys, & non pas p enter auters terres, pur ceo que les auãt-dits terres ſerront de droit appendaunt a la royalme Dengleterre.

Tenir per homage aunceſtrel eſt, lou ieo & mon aunceſtours ont tenus de vous & de voſtre aunceſtors de temps dount me-

of money, and it oughte to bee leuyed by the lord of hys tenaunte after the quantitie of hys tenure, when eſcuage runnethe by all Englande. And it is ordeined by al the coñſell of Englande what euery tenaunt ſhal geue to his Lorde, and that is propꝛely foꝛ to maintein the warres betweene Englande, and them of Scotlande oꝛ of Walss, and not betweene other lands, foꝛ that, that thoſe foꝛeſayne landes ſhould bee of ryghte belongyng to the Realme of Englande.

¶ To holde by homage aunceſtrel is, wher I oꝛ my aunceſtoꝛs haue holden of you and of youre aunceſtoꝛs from ỹ tyme

whereof no mynde runneth, by homage, fealtie and certayne rente, and yt ys not to holde by knyghtes seruyce, and ther belõgeth not warde maryage, nor relyefe. And note well that homage maye bee sayde in two manners, that is to say, homãge aunceſtrell, and homage de fayte. Homage aunceſtrell is there, where you or your auncestors haue holden of me and myne auncestours after the tyme of no mynde by homage fealtie, and rent. Homage de fait is there, where I enfeoffe your self to holde of mee by homage and rent, and in so much that thys homage beginneth by my deede, it is called homage de fayt.

mory ne courge, p homage, fealtie, & certein rent. Et neſt pas a tener per ſeruice de chiual', et la nappent garde mariage, ne reliefe. Et nota q̃ homage puit eſte dyt in deux maners, ceſt aſcauoir, homage auncestrel, et homage de fait. Homage aunceſtrel eſt, la ou vous et voſtre aũceſtors ont tenus de moy & mes aũceſters puis le tẽps de non memory, per homage, fealtye, & certeine rent. Homage de fait ẽ la, ou ieo enfeoffe vous mꝰ a tenir de moye per homage & rent. Et entant que ceſt homage commence per mon fayt, il eſt homage de fayt.

Et

Et nota que homage aunceſtrel treyt a luy vouch. ceſt aſcauoire garrantie del aunceſters, mes non pas homage de fait.

Tenir per la curteſie Dengleterre eſt, la vn home prent fée enherite, & ont iſſue fits ou file, & la feme deuy, ſoit la iſſu mort ou en vie, le barone tiendra ceſt terre a terme de ſa vie per la curteſy Dengleterre et per la ley. Et en cé caſe le fee & le droit remaint in le perſone celuy de que il tient. Et pur ceo ceſt tenát ne puit aliene en fee ne a term dauter vie. Et ſil face bien liſt a celuy en le reuerſion dentre.

Tenure in fee ſim-

And note wel ỹ homage aũceſtrel dzaweth to him voucher, ỹ is to ſay, warrantie of aũceſtours, but not homage de fait.

¶ To holde by ỹ curteſy of Engláð is, ther wher a mã taketh a wife inheritrix, & they haue iſſue a ſõne oz a daughter, & the wife dieth, whether ỹ iſſue bee dead oz a liue, the huſbãd ſhal hold this láð foz terme of his life by ỹ curteſie of Engláð, & by ỹ law foz in this caſe the fee, and the right remayneth in the perſon of him of whome bee holdethe. And foz ỹ thys tenaunt may not aliene i fee, noz foz terme of anothers life, and if he do, it is wel lawfull to hym in the reuerſion to enter.

¶ To holde in fee ſim-

ple

plee, is to holde to anye man or woman, to hym and to his heires, and to hys assygnes for euermore.

¶ To holde in free holde is to holde for terme of hys owne lyfe, or for term of another mãs life and in thys case the fee & the right remaineth in ỹ person of hym, of whom hee holdeth, and for that this tenant may not alie in fee nor for term of life And if he doe, it is well lawfull to him in whom the fee and the ryghte abydeth to enter.

¶ To holde in dower, is wher a man inherite taketh a wife and diethe, ỹ heire shal enter, and endowe the wife of ỹ thirde part of all that that was to her husbande in hys

ple est a tenir a ascun hõe ou feme, a luy & a ses heires et a ses assignes pour toutes iours.

Tenir in frank tenure est a teñ a terñ de sa vie demesne, ou a terme de auter vie. Et en cest cas le fee et le droit remaint in la person celuy de q̃ il tient. Et pour ceo cel tenant ne puyt pas alie en fee ne a terñ de vie. Et sil face, bien list a c̃ luy in quel le fee & le droyt demoert dentrer.

Tenure in dower est, lou home inherit prent feme & deuie, lheire entra & endowera la femme de la tierce partie de tout ceo que fuit a son ba-

ron en sa vie, en fee
simple ou fee taile, &
ele tiendra cels terres
pour terme de sa vye
cõe son fráktenemẽt.

Tenir a terme dans
nest forsq; chattel en
effect, car nul action
est mayntenable en-
uers le termour quát
a recouerer de frank
tenemẽt, car nul frank
tenement est in luy.
Lesse a terme dans ẽ
chattel real, Et lauter
chatel est touts biens
q̃ est mouable.

Tenir in morgage est
a tenir a certein termẽ
sur condicion, q̃ si le
lessour paia tants de-
niers a tyel iour que
il puit enter, & sinon
q̃ lauter eyt fee sim-
ple ou fee tayle, ou
franktenemẽt. Et en
chescun case lou ter-
res ou tenemẽts sont

lyfe in fee simple or fee
tayle, and she shall holde
these lands for terme of
her life as her free hold.

¶ To holde for terme of
yeres is not but chatel in
effecte, for no actyon is
mayntenable agaynst ỹ
termour, as to the recoue
ring of that free hold. for
no free hold is in him. A
lease for terme of yeares
is chatell real, and other
chatell, is all goodes
whiche is remouable.

¶ To holde in morgage
is, to holde a certaine
terme vpon condicion, ỹ
yf ỹ lessour pay so much
money at suche a daye ỹ
he may enter, and if not,
that the other shall haue
a fee simple or fee tayle,
or free holde, and in eue-
rye case where landes or
tenementes bee geeuen

to

to a manr̃e to a certaine terme vpõ cõdition of ỹ parte of the lessour for to make the lessee to haue more lõg time or terme, yf the other doe not as the condicion is: the landes and tenementes vntill the daye that the condicion shoulde bee done, bee holden in morgage, as in a deade gage.

¶ And note well that yf lande bee let to a man in morgage in fee simple or in fee tayle vpon condicion, that if the firste lessoure, as is before sayde, paye so muche money at suche a day ỹ he may enter, & if not, ỹ the lessee haue the same estate in ỹ landes, that the lessoure dyd hym graunte at the begynnynge. And yf before the daye assygned

dones a home a certeine terme sur cõdicion depart le lessor pour faire le lessee auoir pluis longe tẽps ou terme, si lauter ne face si come la condicion est, les terres & tenements tanque le iour q̃ la condicion serroit fait, sõt tenus in morgage, quasi in mort gage.

Et nota q̃ si terr' soit lesse a vn hõe en mor gage, i fee simple, ou in fee tail sur condic̃, q̃ si le primier lessour come deuant est dit, pay tants des deniers a tiel iour que il puit enter, & sinon q̃e le lessee eit mesm̃ lestat' en les terres, que le lessour luy graunt a deprimes. Et si deuant le iour assygne,

le leſſee ſoit diſſeiſi, il auera aſſiſe de nouel diſſeiſin. Et en cas q̄ ſi le leſſee prent feme et deuie ſeiſie deuant le iour aſſigne, ſa fée ſerra endow.

Et nota que ſi le leſſour apres le mort le leſſee ne pays les deniers a le iour aſſigne, a donques la feme tiendra ſa dower, & liſſue ſon heritage. Et en cas q̄ le leſſour a le iour aſſ, paya les deniers al heire de le leſſee, dōques il puyt ouſter la femme, et le heir auxi de tout le terre premierm̄t leſſe Et ſi vn home done terres a vn auter en le taile, rendant a luy certein rēt per an, & vn enter pur faut de paym̄t, le done prent

the leſſee be diſſeiſed, hee ſhall haue aſſiſe of nouel diſſeiſin. And in caſe that if the leſſee take a wyfe & dye ſeyſed before ỳ daye aſſigned, the womā ſhall bee endowed.

¶ And note well, that yf ỳ leſſour after the deathe of the leſſee paye not the money at ỳ day aſſigned then ỳ woman ſhal hold her dower, and the iſſue her heritage. And in caſe the leſſour at the day aſſigned paye the moneye to the heire of the leſſee, than hee may put out the woman and the heire alſo, of all the lande firſte let. And yf a man geeue landes to another in the taile, yeldig to him a certain rent by the yeare, & one entre for defaute of patmēt, the donee taketh

a wife

a wyfe and dyeth seised the wife an shal bee indowed. And in case that after the rent be behind, the donour maye enter & put out the woman and the heyre also. And note well, that yf landes bee let to a man in morgage in fee, vppon condicion, the lessee doth alien the lessour shalbe charged to paye the money to the aliene, and not to the fee fee as it is sayde.

femme & deuie seisie la feme serra endow. Et en cas que apres le rent soit aderere le donour puit entre & ousta le feme & lheir auxi. Et nota que si terres soyent lesses a vn home en morgag en fee sur certein condicions, le lessee alié, le lessour serra charg de payer les denyers al alyen & non pas a son feoffee come il est dit.

¶ To holde in burgage is to holde as yf the burgeis holde of the king, or of another lorde landes, or tenementes yeldinge to hym a certain rent by the yere, or elsther wher another man than burgeys holdeth of any lord landes, or tenementes

Tenir in burgage est a tenir si come les burgeis teignent de roy ou de auter sñr terres ou tenementes rendant a luy vn certen rent per an, ou autrement la ou vn auter home que burgeis tient dascun seigniour terres ou tenementes

en burgage rendaunt a luy vn certein rent per an.

Tenir en socage est a tenir dascun seignior terres ou tenemẽts rẽdant a luy vn certein rent pur an, pur touts maners des seruyces. Et nota que tenir per socage nest pas tenyr p seruyce de chiualer ne la appent gard ma ryage ne reliefe, mes ils doublerõt vn foits lour rent aps la mort lour aunceſter ſolon que ceo q̃ ſoleint payer a lour ſeignior & ils ne ſerrount ouſten meſure greues. Come il appierte en la treatiſe de gardes & de reliefes. Et nota que ſocage puit eſtre dit en trois maners ceſt aſſauoir ſocage en franke tenure. Socage in aũ-

in burgage yeldinge to hym a certain rente by yeare.

¶ To holde in ſocage, is to hold of any lord, landz or tenements yeldinge to him a certaine rent by ỹ yeare for al maner ſeruice. And note well that to holde by ſocage is not to hold by knights ſeruice, nor ther lõgeth not ward mariage nor relief. But they ſhall double ones theire rent after the death of theire auncestoures accordinge to that, that they bee wont to paye to theyre lorde. And they ſhal not be out of meaſure greued, as it appereth in ỹ treatiſe of wardes & reliefes. And note wel ỹ ſocage may bee ſayde in three maners, ỹ is to ſay. Socage in free tenure.

So-

Socage in ancient tenure, and socage in base tenure. Socage in free tenure is to holde freely by certaine rent for all maner of seruice as is before said, and of that the nerte kins bodye shal haue the warde to whom the heritage maye not discende, tyll the age of xiiij. yeres that is to say, if the heritage come by the part of the father, they of the pte of the mother shal haue ỹ warde & contrarye wise. ¶ And note wel that yf the gardein in socage do make waste hee shal not bee pethed of waste, but hee shal yelde accompte to the heyre whan hee shal come to his full age of xxi. yeares, and looke the statute of Marlebridge, capitulo. xv. for thys

cient tenure, et socage de base tenure. Socage en frank tenure est a tenyr fraunchement per certein rent pour toutes manners des seruices come deuant est dit, & de ceo le proschein amye auera le gard a que leritage ne purra mye descender, tanque al age lheir de xiiij. ans, cestassauoir si leritage veigne par le parte le pier, ceux de parte la mere aueront le gard & econtra. Et nota q̃ si gardeine en socage face waste il ne serra mye empeche de wast mes rendra accompte al heire quant il viendra a pleyne age de xxi. ans. Et vide lestatut de Marlebrige capitulo. xv. pur cest

matter. Socage de auncien tenure é ceo ou gent en auncien demesne tenoir, que ne soilent auter brief auoir que le monstra uerunt pour eux dis- charge quaunt lour seignior eux distreine pur faire auters seruices que faire ne duis- sent, Et cé brief doit estr' port enuers lour seigniour, & ceux te- nants teignent touts p vn certein seruice. Et ils sont fráketenãts dauncien demesne. Socage in base tenure est lou home tyente en auncyen dimesne que ne puyt auer le monstrauer' et pur c̃ il est appel de base te nure.

matter. Socage in aun- cien tenure is that wher the people in auncien de- mesne holde, whiche vse no other wrytte to haue than the monstrauerunt for to discharge thē when theyre Lorde distraineth them, for to doe other ser uice that they ought not to doe, and this wrytte oughte to be brought a- gaynste the lorde, and these tenantes holde all by one certaine seruice, and these be free tenaun- tes of auncien demesne. Socage in base tenure is where a man holdeth in auncyen demesne, that maye not haue the mon- strauerunt, and for that it is called ỹ base tenure.

Tenir in fee ferme est a tener en fee sim-

¶ To holde in fee ferme is to holde in fee simple

yel-

yeldinge to the lord the vallue, or at the leaste the fourthe parte by yeare, and hee oughte to doe no other thynge, but as it is conteined in the feffement, and hee that holdethe in fee ferme oughte to doe fealtie and not reliefe.

ple rendant a le seign̄ le value ou la moitye ou al meines le quart part p an. Et ne doyt auter chose faire, mes sicome est conteigne en le feoffement. Et q̄ tient en fee ferme doit faire fealtie & ni ent reliefe.

¶ To holde in franck fee is to holde in fee simple landes pledable at the cō mon laive.

¶ To holde in fee base is to holde at the will of the Lorde.

¶ To holde in pure villenage, is to do all that ȳ Lorde wyll hym commaunde.

¶ The definicon of villenage is villein & bloud, and of tenure, and it ys hee of whome the lorde taketh redemption to

Tenir en frank fee est a tenir en fee simple terres pledable a la comen ley.

Tenir en fee base est a tenir a la volunte le seignor.

Tenir in pure villenage est afaire tout ē que le seignioure luy voit commaunder.

La definition de villenage est villeine de sank & de tenure. Et il est de que son seignior prent redēption de

de sa file marrier ou soy mesme en fraunchise. Et le seigñ puyt luy ouster des terres, ou tenements a sa volunte & auxi de touts ses byens & chateux. Et nota q̃ sokman nẽ pas pure villeine, ne villeine doit pas gard mariage ne reliefe, ne faire auter seruices reals. Et nota q̃ tenure en villenage, ne ferra nul frank hom̃ villein sil ne soyte contenue puis le temps de non memorye, ne villeyne terre ne ferra franke home villein, ne frãke terre ne ferra villeyne frank, sinon que le tenant soit cõtinue frãchemẽt puis le temps de non memory, mes villein ferra frank terre, villein per seisie ou

marye his daughter, and to make him free, and yt is hee whom the Lorde maye put out of his landes and tenementz at his will, and also of all hys goodes and cattel. And note wel that a sokeman is no pure villeine, nor a villeine oweth not ward mariage nor reliefe, nor to do no other seruice real. And note well that the tenure in vyllenage shall make no free man vylleine, if it be not continued, sith tyme oute of mynde, nor vylleine lande, shall make noe free man vylleine, nor free lande shall make no villeine free, except that the tenaunt haue continued free sith ye time of no mid but a villeine shal make free land, villein by seisin

or claime ou ỹ lorde. And note wel, that if a villein purchase certaine land, & take a wyfe, & alien and dieth before the claime or seisin of the lord, the wife shalbe endowed. And note wel, that in case that ỹ lord bring a precipe quod reddat, agaynst the alien the which vouche the tenant to warrante the issue of the villein which is villeyne to the Lorde, hee shall haue the voucher, and by protestacion, the lord may saye that notwithstandinge that he plede with hys villein, yet his villeine shal not bee enfraunchesed. And note wel ỹ a bastarde shall neuer bee iudged villeine, but by knowledge in court of recorde. And note wel ỹ if debt be due by a lorde to a

p claime de son seign̄
Et nota que si villein purchase certeine terre, & prent feme et alie & deuie deuant le claim ou seisin de son sr̄, la fee serra endow
Et nota qne en cē cas q̄ le seign̄ port precipe quod reddat enuers lalien son villein le q̄ il vouche a garrantye le issue. la villeine qui est villein a le seign̄ il auera la vouche. Et p protestacion le seign̄r puit sauer que nō obstant que il plede ouc son villeine vn cē son villeine ne serra mye enfraunchyse. Et nota q̄ bastarde ne serra iammes aiudge villein si non per conusance en court de recorde. Et nota q̄ si det soit due per vn seignor a

vn

car la ley eſt tiel in fa uorem libertatis. Et nota ſi deux ount vn villeine in le commē & lune de eux face a luy vn manumiſſion, il ne ſerra my enfranchiſe enuers ābideux Et nota q̄ en brief de Natiuo habendo, il couient que le ſeignr̄ monſtre coment il a-ueigna priuy de ſank a celuy villein de que il eſt ſeignior &c. Et ſil, ne nul de ſes auncelters ne ſoit ſeiſi de nul de ſon ſank, il ne gaynera p̄ ſon action ſi le villeyne nad pas conu en court de rec̄ luy eſtre ſon villeine. Et nota que en brief de Nieftie ne purr̄ot eſte mis pluſoures nieſes que deux tant ſolement, & hoc introductum fuit prius

for the lawe is ſuch in fauour of liberty. and note wel, if two haue a villein in commen, and one of them make to him a manumiſſion, he ſhal not be made free againſt bothe. And note well, that in a writ de Natiuo habēdo, it behoueth that the lord ſhew how hee commeth priuy of the bloud of the villeine of whom hee is Lorde &c. And if hee, nor none of hys auncelkours were not ſeyſed of none of his bloud, hee ſhal not wynne by hys action, yf ȳ villeyn haue not knowledged in court of record hym ſelfe to bee his villein. And note well, that in a writ of Nieſe maye not bee put moze nieſes then.ij. & this was firſte brought in the hatred of bon-

bondage. But in a writ de Libertate probanda, maye bee put as manye nyefes as the playntyfe will.

in odium seruitutis. Mes in briefe de Libertate probanda, pourrount estre mys tantes nieses come le pleintife voudra.

¶ And note well that yf the villeyne of a Lorde bee in auncyen demesne of ỹ king, or other towne priuileged, wythin a yeare and a day, the lord may seyse hym, and if he dwel in the same towne or other place fraunchysed by a yeare and a daye without seisin of the lord he hath no power to seise hym after, yf hee go not in estraye out of the foure sayde fraunches.

Et nota que si le nief de seigniour soit en auncien demesne de roy ou auter vyll priuilegie, deines lan & iour le seignior put luy seyser, & sil demoert en la dit vil ou lieu franchise per vne an & vne ioure sauns le seysin de son seigniour, il nad mye power de luy seyser apres, sil ne va en estray de hors ille suisdit fraunchise.

¶ To holde in ỹ tayle is wher a man holdeth certain lands or tenements

Tenir en le tayle est lou hõe tient certeine terres ou tenementes a luy

a luy & a ses heirs de son corps engendres. Et nota q̃ si la terre soit done a vn home & a ses heires males, & il ad issue male, il ad fee simple, & ceo fuit adiudge in le parlyament nostre seigniour le roy. Mes lou terres ou tenements sount dones a vn hõe & a ses heires males de son corps engendres, il ad fee tayle, & lyssue female ne serra my enherite, vt patet Anno. xiiij. Edvvardi tertij en vne Assise.

Tenir en le taile apres possibilitie dissu extinct est, lou terre est don a home & sa femme & a les heires de lour. ij. corps engẽdres, lũ d'eux suruiue

to hym and to his heires of hys bodye begotten. And note well, ỹ yf the land be geeuen to a man and to his heires males, and hee hath issue male, he hath fee simple, and ỹ was adiudged in ỹ parliament of oure lorde the king. But where landes or tenements be geeuen to a man and to his heyres males of his body be gotten, than hee hath fee tayle, & the yssue female shal not bee enheritable, as it appearethe in ỹ xiiij yeare of Edward ỹ third in Assise.

¶ To hold in the taile after possibilitie of issue extincte is, where lande is geuẽ to a mã & to his wife & to the heires of their ij. bodyes ingendred, and one of them ouerlyuethe

the

the other vythoute issue beetweene them goynge oute, hee shall holde the lande for tearme of hys owne life, as tenaunt in the taile after possibilitie of issue extincte. And not withstanding that he doe wast, he shal neuer beim peched of that wast. And note wel if he alien, he in ỹ reuersiõ shall not haue a writ of entre in consimili casu. But hee maye enter, & his entre is lawfull per Robertũ Thorp chief Iustice.

¶ To holde in franke martage is, to hold in the seconde taile limit in the statut of westm̃ seconde capit. 1. And the feoffour shall acquyte the feoffee of al maner of seruice vnto the fifth degree be past and the feoffour shall do

lauter sans issue entre eux issant, il tiendra, sa terre a term de sa vie demesne cõe tenant en le taile apres possibility dissue extinct. Et non obstante q̃ il fac waste, il ne serra iammays empeche de cel wast. Et nota sil alyã celuy en la reuersion nauera briefe dentre in cõsimile casu. Mes il puyt entrer, & son entre est congeable p Robert Thorp chief Iustice.

Tenir en frank mariage est a tenir en le seconde taile limit en lestatut de Westm. 2 capitulo primo. Et si le feoffour quitera le feoffee de touts manners des seruices tanque le quart degree soyt passe, & le feoffour

soure ferra toutes les seruices & suites durant la dyt terme. Et puis les heires le feoffee le ferrount, pour ceo que le primitie de sanke est passe. Et sil soit distreine pur seruice, il auera brief de meshe enuers lui supposaunt que il tyent les terres de luy, mes il nauera pas le fore iudgement sil ne soit en auauntage de ses issues.

all the seruice and suites during the saide terme, and after the heires of ỹ feoffee shall do it, for that that the priuitie of bloud is past. And if he be dystrained for seruice hee shal haue a writ of Meslue against him, supposing that he helde the lands of him, but he shal not haue the foreiudgement yf it be not in aduauntage of his issues.

Et nota que apres le quart degre soit passe il ferra attendant des tants des seruices a le donour, come le donour est attendant al seignior paramont. Et sil face felony pur quoy il est attaynt, le roy auer' sa terre pur terme de sa vie natu-

And note well, that after the fowerthe degree bee passe, hee shall be attendant of as much seruice to the donoure, as the donoure is attendaunt to the Lorde paramount. And yf hee do felony for whiche he is attaint, the king shall haue his lãds for terme of his lyfe

lyfe natu.all. And after hys deathe, his issue shall inherytе, as by force of the tayle. And in thys case, none shall haue hys landes by waye of eschete, no more thenne in anye other taile. And in case that the tenaunt dye wythout heire of his body begotten, the lande shall reuerte to the donoure as it should in the commen tayle. And yf a manne let his land to another in franke maryage yeldynge to hym a certaine rente by yeare, he shall holde this lande in the commen tayl, and not in franke maryage, for by the rent reserued, these wordes (in liberum maritagiū) be al vtterly voide so that the tenoure

ral. Et apres la mort, son issu serra inherite come per force de la taile. Et en ceſt case, nul auera sa terre per voye deschete, nyent pluis q̄ en auter taile. Et en case que le tenaunt deuie sans heir de son corps engendres, la terre reuerterra a le donour, come serroit en le commen taile. Et si home lessa sa terre a vn auter en franke mariage, rendaunt a luy vn c̄tain rent per an, il tiendra ceſt terre en le commen taile, & nient en franke maryage, car per le rente reserue, ceux parolx, (in liberum maritagium) sōt tout oustrement voides, issynt que la tenure serra enten-

dus solonc̄ la tenure en le cōen taile.

Et nota que le done en frank mariage ad condicion annexe a lui non obstante que il nest pas expressem̄t declare en le Charter del done, vt patet p statutum westm̄ second, capitulo primo de donis conditionalibus.

Et nota que hom̄ ne donera pas terres ou tenements en franke maryage, forsque lou la feme est priuye de sanke a le donoure. Quar autrement naueroit home ne feme ascun estate per tiel feoffem̄t forsq̄ a terme de vie.

Tenir en frank almoign̄ est a tenir terres ou tenem̄ts pour dieu seruir & saint es

shalbe intēded after ȳ tenure in the cōmen taile.

And note wel that the gift in franke maryage hath a condicion annexed to it, notwithstāding that it be not openly declared in the deede of the gift as it appereth by the statut of westm̄ second, Cap. primo, de donis cōdicionalibus.

And note well that a man shal not geeue landes nor tenementes in franke maryage, but where the womā is pryuie of bloud to the donor for els the man nor the woman shal haue no other estate by ȳ feoffem̄t but for terme of life.

To holde in fraunke almoigne is to hold landes or tenementes for to serue Godde and holye

church

churche to endow wythoute doynge anye other manner of seruice. And note well that in thys case the doneur is mesne and oughte too acquyte him freelye againste the chiefe lord, and also they that holde in franke almoigne shall do no fealtie, but they that hold in franke mariage, shal do fealtie.

gliſe dower ſans faire nul auter manner de ſeruice. Et nota que en ceſt cas le donour eſt meſne & luy doit acquiter franchement enuers le chyefe ſeigniour, & auxy ceux que teignont en frāk almoigne ne ferroyte fealtye, mes ceux que teygnount en franke mariage ferrount fealtie.

To holde by Elegit ys where a manne hath recouered debte or damage by wrytte againſt another or by knowleage or in other manner, hee shall haue within the yere againſte him a writte Judiciall called Elegit to haue execution of the halfe of all his landes and cattels, except oxen, & beaſts of the plowe,

Tenir per Elegit eſt lou home ad recouere dett ou dammage per briefe deuers vne auter, ou par conuſance ou in auter maner, il auera deuers luy vn briefe iudyciall nom Elegit, dauer execution del moytie de toutes ſes terres & chateux, exceptes boef. & affers a ſa carues tanques le det ou

les dam̃ soient oustre-
ment leues ou payes
a luy & duraunte ceste
terme il est tenant per
Elegit. Et nota sil soit
ouste deyns le terme
il auera assyse de no-
uel disseisine & apres
vn redisseisine si be-
soign̄ soit & ceste don
per lestatute de west-
minister. 2. capit', 17. et
auxy per lequitye de
meme lestatut celuy
que ad son estate syl
soit ouste auera assise
& reddyssеisine si be-
soigne soite. Et auxy
sil face ses execu-
toures & deuy & ses
executours entrount
& puis soyent oustes
ils aueront per lequi-
tie de meme lestatut
actyon come luy mes-
me suisdit, mes sil soyt
ouste & puis face ses
executours & deuye

tyll the debt or dammages bee vtterly leuyed or payed to him, & duringe the terme hee is tenaunt by Elegit. And note wel yf hee bee put out within the terme hee shal haue assise of nouel disseysin, and after a redisseysin if neede be, and thys is geeuen by the statut of Westminster. ij. ca. xbij. and also by the equity of the same statute, hee that hath hys estate if he bee put oute shall haue assise and a redisseisin yf neede be, and also yf hee make hys executours and dye, and his executoures enter and after bee put out they shal haue by ỹ equity of the same statute suche accion as hee him selfe before sayde, but if hee be put out, & after make

his

hys executours and dye, his executour may enter and yf they be stopped of theire entre, they shal haue a writ of trespas vpō their matter and case.

ses executours pourront entrer & sils soient estoppes de lour enter ils auerount vn briefe de trespas sur lour matter & case.

¶ And note well yf hee do wast in all the lande or percel, the other shall haue against hym maintenaunt a writte Judicial oute of the firste recorde called a venire facias ad computādum, by which it shalbee inquired yf hee haue leuyed al the money or parcel, and yf he haue not leuied the money, than it shalbe inquired, to how much the wast amounteth, and yf the waste amoūte but to percel, then asmuche of ẏ money, as ẏ wast amoūteth shalbee abridged of

Et nota sil face waste en tout la terre, on en parcel lauter auera enuers luy maynetenaunt vn briefe iudicial hors de la prymer recorde nosme venire facias ad computandum per force de quel serra enquyse sil ad leue toutes les deniers ou parcel & sil ad leue les denyers, donque serra enquise a quaunte le waste amount. Et si le waste amount sinō a parcel donque tauntes des deniers que le wast a moūt serra abridge de

les ſuiſdites deñs q̃ux ẏ foꝛeſaid money, whiche
fuer' eſtres leues, mes was to be leuied, but yf
ſil ad fait pluys waſte he haue done moꝛe waſte
q̃ le auantdyt ſomme then the foꝛeſaid ſumme
dargent, q̃ fuit a eſtre of money whiche was to
leue amounte, lauter be leuied amounteth, the
ſerra diſcharge mayn other ſhall bee dyſchar-
tenaunt de toutes les ged by and by of all the
deniers ſuiſdyts & re- ſaydo money, and ſhal re
couera ſa terre. Et couer the landꝛ, and foꝛ
pur la ſuperfluitye de the ſuperfluity of ẏ waſt
waſte fait ouſter ceo made aboue that that a-
que amount a le dyt mountethe to the ſaydo
ſumme il recouera ſes ſomme, hee ſhall recouer
dammages ſengles, & his damages ſingle, and
meſme la leye eſt de the ſame lawꝛ is of his ex-
ſes executors, & auxy ecutours, and alſo of him
de ceſtuy que ad ſon that hath his eſtate. And
eſtat. Et nota que en note wel that in an Ele-
Elegit ſi le vycount git, if the ſhirif retourne
retourne que il auoyt that he had nothinge the
ryen iour de la reco- daye of the reconiſaunce
niſance fayt, mes que made, but that he purcha
il pourchaſe terre pu ſed landꝛ after the tyme
is le temps, adonques then the partie plaintife
la partye plaintife a- ſhal haue a new wꝛyt to
uera nouel brief dañ haue

haue execucion thereof, the same lawe is of a statute marchaunte. And note well that after a fieri facias a man mai haue the Elegit but not contrary wise, for so muche ỹ the Elegit is of moze higher nature then the fieri facias. And note wel that if a man recouer by a writte of debte and sueth a fieri facias and the shirife retourne, that the party hath nothing wher of hee maye make gree with the partye, then the plaintife shal haue a capias sicut alias, and a pluries, and if the shirife retourne at the capias mitto vobis corpus and hee haue nothinge whereof hee may make gree to ỹ party, he shalbee sente to the prison of the Fleet, &

execucion de ceo, meſme la ley eſt dun eſtatute merchaunte. Et nota que apres le fieri facias vn hom̃ pu it auer le Elegit, mes non econtra entanut que le Elegit eſt de pluis haut natur' que le fieri facias. Et' nota que ſi home recoũ per brief de det, et ſue vn fieri facias & le vicont retourne que le party nad riens dont il puit faire gree a la party donqs le plintife auera vne Elegit ou vn capias ſicut alias & pluries. Et ſi le vycont retourne a le capias mitto vobis corpus & il nad riens doũt il puit fair gree a la pty il ſerra maund al gayle de Fleete, & illonques demourra tanq

tanque il ad fait gree al partye & si le vic̄ retourne non est inuentus adonques issera lexigent enūs luy. Et nota que en briefe de dette porte deuers persō de saynt esglyse q̄ nad rien lay de fee & le viçount returne que il nad riens ꝑ que il puit estre som̄ adonques suera le plaintife briefe al euesque que il face venir son clerk & leuesque luy ferra venir per sequestracion del esglise.

Et nota que si home porte briefe de dette & rec̄ & face ses execut' & deuie ils auerount execucion non obstante que il soyte deins lan per vn scire facias.

Tenir per lestat' mer-

there shal abyde tyll hee hath made agreement w̄ the party, & if ẏ shirife retourne non est inuentus then there shall go forth an exigent agaynst hym. And note wel ẏ in a writ of debt brought against a persone of holy churche, which hath nothig of lay fee, & the shiriffe retourneth, ẏ he hath nought by which he may be sommoned, then shal ẏ plaintife shew a writ to the bishop ẏ hee make his clerke to cōe, & ẏ bishop shal make him to come by sequestraciō of ẏ church. And note wel, ẏ if a mā brig a writ of debt & recouer, & make his executors & dieth, thei shal haue execuciō notw̄standing ẏ it be within ẏ yere by a fieri facias.

¶ To holde by statute mar-

marchaunte, is where a man knowlegeth to pay certaine moneye to another at a certaine day before the maior, baylif, or other wardē of ani town ẏ hathe power to make execucion of the same statut & if the oblige pay not ẏ debt at ẏ day, & nothige of his goods, lands, or tenementes may be found within the warde of the maior or warden beefore saide, but in other places without, thē the recōise, shal sue the reconisaunce & obligation wͤ a certifica cion to the chauncery vnder the kings seale, & hee shal haue out of the chaū cery, a capias to the shirif of ẏ county wher he is to take him & to put him in prison, yf hee bee not a clarke, til hee haue made gremt of ẏ debt. And one

chaunt est lou home conust a paier certain denyers a vn auter a certayne iour deuant le maire, bayllye, ou auter gardein dascun ville que ad poyar de faire execucyon de m̄ lestatut, & si le oblige ne paya le dette a le ioure asses & ryen de ses biens, terre, ou tenem̄ts ne purrōt estre troues deins la garde le maire ou gardeyne auantdyt, mes en auters lieux de hors dō que le reconise suera le reconisance & obligacion oue vn certification al chauncery desouth le seale le roye, & il auera hors de la chanc̄ vn capias al vic̄ de q̄l coūty il ē de luy app̄n̄d' & mett' ē pris. sil ne soit clarke tanq; il ad fait gre de la det. Et vn quarter del

de lan apres ceo que il ſerra pris il auera ſa terre liuere a luy meſme pour faire gree a la party de dette. Et il puit vender tanque il eſt enpryſon & ſa vende ſerra bone & loyal. Et ſil ne face gree deins le quarter dun an, ou ſi ſoyt returne que il nē troue & ſil ne ſoit clerke adonques le reconyſe puyt auer briefe de la chauncery que eſt appelle Extendi facias, direct al touts vicont lou il ad terres deux tēer ſes terres & ſes byens a luy & luy ſeiſer en les terres, pour les tenir a luy & a ces heires & a ces aſſignes tanque le dette ſoyt leue ou pay, & per cel temps il eſt tenaunte

quarter of the yeare after that, that hee ſhall bee taken, hee ſhall haue his lande delyuered to hym ſelfe to make gree to the parte of the debte and he may ſel it while he is in priſon, and his ſale ſhall bee good and lawfull. And if hee doe not gree wīn a quarter of a yeare or if it be retourned that he be not found, then the reconiſe mai haue a writ of the chauncery whiche is called Extendi facias, directe to al ſhirifs, wher hee hath landes & goodes to him and to ſeyſe hym in hys landes to holde them to him and to hys heires and his aſſignes, til that the debte be leuied or payed, and by thys time he is tenant by ſtatute

tute marchaunt. And note well, that in a statute marchaunt the reconisee shall haue execucyon of al the lands whych the reconisour hadde the daye of the reconisaunce made, and anye time after, by force of the same estatute. And note well, that when anye waste or destruction is made by the reconisee, or by hym that hathe his estate, the reconisoure or his executours shal haue the same lawe as is beefore sayde of the tenaunt by Elegit and that is by the statut merchaunt late made at Westminster.

And note well, yf the tenāt by statut merchāt hold ouer his terme, hee ỹ hath right maye sue against him a venire facias

per lestatut merchāt Et nota que en lestatute merchaunt, le reconisee auera execucion de touts les terres que le reconisour auoit iour de la reconisaunce fait, & vnque puis per force de mesme lestatute.

Et nota que quaunt ascū wast ou destruction est fait per le reconisee ou per celuy qui ad sō estate le reconisour & ses executours aueront mesm̄ la ley com̄ est suisdyt de le tenaunt per Elegit, et ceo est p lestat merchāt darreine fait a westm̄.

Et nota si tenaunt per lestatut merchāt tient ouster sō terme celuy qui ad droit put suer enuers luy venire facias ad compu

tādum

tandum, ou entrer tã toſt.

Trois maners de rẽts y ſount, ceſtaſcauoire rẽt ſeruic̃, rẽt charge, & rente ſecke. Rente ſeruic̃ eſt lou vn hõe tient dun auter p fealty, & pur faire ſuite a ſa court & rendant a luy vn certain rent per an pour touts maners des ſeruices. Et nota, que ſi le ſeignyour ſoit ſeiſie des ſeruices & rent auauntdits, & ils ſoyent adrere, et il diſtreiñ, et le tenãt reſcue le diſtres, il puit auer aſſiſe, ou brief de Reſco⁹. Mes il eſt pluis neceſſarye pour luy auer aſſyſe que briefe de Reſcous, pur tãt que per Aſſiſe il recouera ſon rent & ſes damages,

ad computandum, or els enter by and by.

¶ There be three maner of rentes, that is to saye, rent ſeruice, rent charge and rent secke. Rent seruice ys, where a manne holdeth of another by fealtye, and for to do suite to his court, and yelding to him a certaine rent by the yeare for all manner of seruices.

¶ And note well, that yf the Lord bee seised of the seruice & rent before sayd & they be behind, and he distraine, and the tenaut rescue the dystresse, hee maye haue Assyse, or a writte of rescous, but it is more necessarye for hym to haue assyse than a writ of rescous, for so muche that by assyse hee shall recouer his rente & hys

hys dammages, but by a writ of Reſcous, he ſhall not recouer but ỹ thynge and the dammages.

¶ And note well that yf the lorde bee not ſeyſed of the rent and ſeruyce & they bee behynde, and hee diſtraine for them, & the tenaunt take againe the diſtreſſe, hee ſhal not haue aſſiſe but a writ of Reſcous.

¶ And note well that yf the Lord diſtraine his tenaũt in ſocage for knighthes ſeruice whiche is not with ſayde of hym, and auow for ỹ ſame ſeruice in courte of record, hee ſhallbee charged by the ſame ſeruice by ¶ Fynch termino Hillary, Anno. xlvi.

¶ And note well that yf the Lorde maye not

mes per ceſt briefe de Reſcous il ne recouera mes les repriſes & les dam̃. Et nota que ſi le ſeigniour ne ſoit my ſeyſye del rent & ſeruice, et ils ſount aderere, & il diſtreyne pur eux, et le tenaũt reprent la diſtreſſe, il ne puyt mye auer aſſiſe, mes brief de Reſcous. Et nota que ſi le ſeigniour diſtreine ſon tenant en ſocage pur ſeruice de chiualer quel neſt dedit de luy, & auowe pour meſm̃s les ſeruices en courte de record, il ſerra charge per tyels ſeruices, per Fynche termino Hillarij Ann̄ xlvi.

Et nota que ſi le ſeigniour ne puit my trouer

trouer dystresse per deux ans, il auer vers le tenaunt bryefe de Cessauit, Per biennium, vt patet per lestatut de westm̃. 2. cap. 21. Et si le tenant deuie en mesme le tẽps & son issue entre, le seignyour auera vers lissue brief dentre sur Cessauit, ou si le tenaunt alien le seignyour auera vers lalien lauantdit briefe, Mes si le seigniour ad issu & deuie, et le tenant soyte en arrerage de dit rent & seruyces de le temps le pyer del yssue & nemy en temps del issue, il ne puyt mye dystreyne pur arrerage en tẽps son pyer, & il nauera ascun auterrecouere vers le tenaunt ou

fynde a dystresse by two yeare, hee shall haue against the tenant a writ of Cessauit per biennũ as it appeare the bye the statute of Westm̃. 2. capitulo. 21. And yf the tenaunt dye the same time and his issue enter, the Lorde shall haue against the issu a writ surcessant or yf the tenaunt alyen the lord shal haue against the alyen the forsayde writte. But yf the lorde haue issue and dye, and the tenaunt bee in arrerage of the sayde rente & seruice in the time of the father of the issu, and not in the tyme of the issue, he may not distraine for the arrerages in the time of his father, and he shal haue nõe other recouery against the tenãt or

anye

any other, for that ỹ such aduantage is geeuen by the lawe to the tenaunt. And note well that rente seruice is, to the which belongeth fealty, but to rēt charge & rent seck belongeth not fealtie, but it belongeth to rēt seruice of cōmen right.

Rent charge is where a man graunteth certaine rent going oue of his landes or tenemēts to another in fee simple, or in fee taile, or for terme of life by deede ỹō condicion, that at what day that ỹ rent be behinde, it shall be wel lawful to the grātee or his heires or assignes to distrain in ỹ same lands or tenemēres. And note wel, that if the rent be behind, it is wel lawful to ỹ grātee by electiō

ascun auter pour ceo que tiel aduātage est done pur le leyal tenant. Et nota que rēt seruice est, a quel appent fealtie, mes a rēt charge & rent secke ne appent pas fealtie mes il appent a rente seruice de commen droit.

Rent charge est, lou home grant certeyne rent issant de ses terres ou tenemēts a vn auter en fee simpl' ou in fee taile, ou a term de vie p fait' sur condicion, que a q̄l heur que le rent soit aderere, byen lirra a le graunt ou a ses heirs ou assignes a distrein en ĩ la terres ou tenements.

Et nota que si le rēt soit aderere, bñ lirra a le grant per election

auer brief dannuitie, ou il puit distreyner, & si la distresse soyte rauisse de luy, & il ne fuyt mye seysie adeuaunt, il nad mye recouere forsque per brief de Rescous, car la distres primiermẽt fayt, ne done a luy seisin forsq; sil happe le rent adeuaunt, car sil fuit seysie del rent adeuaunt & puis le rente soyt aderere il distreine & rescous a luy soit fait, il auera assise ou brief de Rescous.

Et nota que en chescũ assise de rẽtcharge & dannuel rente, & en bryefe de Annuitye, couyent a celuy que port bryefe de monstre auaunt especialtie, ou auter-

to haue a wrytt of annuitye, or els he may distrain and if the distresse be taken agaynste hys wyll from hym, and hee was neuer seysed before, hee hathe noe recouerye, but by wrytte of Rescous, for the dystresse firste taken, geeuethe not to him seysin, but yf hee happe the rente before, for if he were seysed of the rente before, and after the rẽte bee behinde, and hee distrain, and rescou to him bee made, hee shall haue assise, or a wrytte of Rescous.

¶ And note well, that in euery assise of rẽt charge and annuell rente, or in a wrytte of annuitye, it behouethe to him that bryngethe the wrytte to shew forth an especialty or

or els he shall not mayntayne assise, but in a Mordaunceſtour or Formedon in the diſcender or other wryts, in the which title is geuen or compriſed of rent charge, or annuell rent, it nedeth not to ſhew eſpecialtie.

¶ And note wel ẏ if a mã graũt a rẽt charge to another, & ẏ graũtee purchaſe ẏ halfe of the lande wherof the rent is going out, al the rent is extinct, & if ẏ grauntee releaſe to the grauntour parcell of the rente, yet al the rent is not extinct. But in rẽt ſeruyce, notwythſtanding that the lorde hathe pourchaſed the halfe of ẏ lande whereof the rente is going out, yet the rent is not extinct, but for the half, & the cauſe is of the diuer-

ment il ne maynteynera aſſ. mes en mort daunceſtour ou Formedon en la deſcender, & auters briefes en les queux title eſt don ou cõpris de rẽt charge ou dannuell rent, neſt my beſoigñ de mõſtre eſpecialty. Et nota q̃ ſi hõe grãt rent charge a vn auter, et le grantee purchaſe le moytie de la terre dount le rent ẽ iſſant, tout le rent eſt extinct. Et ſi le grãtee releſſe a le grant tout ꝑcell de la rent, vnc̃ tout le rent nẽ extĩct Mes en rent ſeruice, non obſtante q̃ le ſñr ad la moitie purchaſe de la terre, dount le rent eſt iſſant, vnc̃ le rent neſt pas extincte forſq; a la moitie, & la cauſe eſt de diuer-

sitie, pur ceo que rent seruice puit estre seuere a vn person, mes nemy rent charge. Et nota q̄ si rēt charg soit grant a deux ioint ment, & lun release, vncore lauter auera la moitie del rent. Et auxi si lun pourchase le moitie de la terre dont le rent est issant lauter auera le moity del rent de son compaignion. Et si le disseisor charge la terre a vn estraunge, & le disseisie port lassise & recouer le charge est defeate. Mes si celuy qui ad droit, charg la terre, & vne estrange fait vne faux actyon enuers luy que nad droit & recouera per def. le charge demurra. Et nota que en cas

that, that rente seruyce maye bee seuered to one personne, but not rente charge.

And note well that if rent charge bee graūted to two iointlye, and the one release yet the other shall haue the halfe of the rente. And also if one purchase the halfe of the lande whereof the rente is goinge oute, the other shal haue the halfe of the rente of hys companye. And if ỹ disseisor charge the land to a straunger, and the disseisie bring assise & recouer, the charge is defeated. But if hee ỹ hathe righte, charge the lande, and a straunger fain a false actiō agaynst him & recouer by defaut, the charge abydeth. And note wel, that in case the pur-

purpartye bee beetwene two parceners and more lande bee allotted to one then to the other, and the that hath more of ỹ land, chargeth her lande to the other and shee happethe the rent, shee shal mainteine assyse without especialty, and if the grauntee haue in fee simple or in fee taile, and hathe issue and diethe, if the issue bringe a formedone, or assise of mordauncester. hee shall neuer bee charged to shewe an especialtie.

Rent secke is where a man holdeth of me by homage fealtye and other seruice, yelding to me a certaine rent by the yere and I graunt this rente to another, reseruinge to me the seruice.

que vn purpartie soyt parenter deux parceners & puis terre soit allot a lune, que a lauter, & celuy que ad pluis de terre charge sa terre a lauter & el happe le rent, el mainteneera assise sans especialtie, et si le graunt lauoit en fee simple, ou en fee tayle, & ad issue & deuie si lyssue porte vn formedone, ou assise de mordaũceſter il ne serra iammes charge de mõstre especialtie.

Rent secke est lou hõe tient de moy per homage, fealtie, & auters seruices rendaunt a moy vn certeine rẽt per an, & ieo graunt cest rent a vne auter reseruaunt a moye le seruyce.

Et nota que en rente ſecke ſi hõe ſoyt ſeiſie del rent, & le rent ſo it adere' il ne puit my diſtreine mes il auera Aſſyſe de nouel dyſ-ſeiſine.

Et nota que ſi rente ſeck ſoit graunt a vn home & a ſes heirs & le rent ſoit aderere & le grantor deuie lheir ne purra mye diſtrei-ner, nemye recouera le arrerage de temps ſon pier, ſi come eſt auantdit en rent ſer-uice.

Et en meſme le mañ eſt adire en rẽt charg ou annuel rent. Mes en toutes les rentes a-uantdites lheyr purra auer pur arrerage en ſon tempes demeſne tiel auauntage come auoit ſon pyer en ſa vie.

¶ And note well that in rent ſeck if a man be ſei-ſed of the rent, and ỹ rent bee behinde hee may not diſtrayne, but he ſhal ha ue aſſiſe of nouel diſſeiſin

¶ And note well that yt rent ſecke bee graunted to a man and to his hey-res, ouo the rent bee be-hind, and the grauntoure dye, the heyre maye not diſtrayne, noꝛ ſhall not reconer the arrerages of the time of his father, as it is beſoꝛe ſayd of rẽt ſeruyce.

¶ And in the ſame man-ner it is to ſaye of rente charge, oꝛ annuel rente. But in all theſe rentes beſoꝛe ſaid the heire may haue foꝛ the arrerages in his owne tyme ſuche ad-uauntoge as hys father had in his life.

And

¶And note well that in rēt secke yf a man be not seised of the rent, & yt bee behind he is without recouery, for that ý it was his owne folý at the beegynning when the rente was graunted to him, or reserued, that hee tooke not seisin of the rent as a peny or ij. pence. And note wel ý a man may not haue a cessauit per biennium or another writ of entre sur cessauit, for no rent seck behind by ij. yeres, but they may all onely by rent seruice as it appeareth in the statute.

¶And note wel that in rent seke it behoueth him that sueth for ý rent seck for to shewe a deede to ý tenaunt, or els the tenāt shall not bee charged of the rente, but where the

Et nota q̄d̄o in rente seck si hōe ne soit seisie del rent & il soyte aderere il est saūns recouerer, pur ceo q̄ il fuit sa folye demeine adeprimes quaunt le rent fuist grant a luy ou reserue que il ne prist my seisin del rēt sicome vn denyer ou deux. Et nota q̄ hom̄ ne puyt my auer cessauit p biennium, ou auter brief dentre sur cessauit pur nul rent seck aderere p ij. ans, mes ils porront toute soleñ̄t pour rent seruice vt patet in stat'. Et nota q̄ en rēt seck il couient pour luy q̄ sue pur le le rent seck pur mōstre fayt al tenant ou auterm̄t le tenant ne serra my charge del rent, forsq; lou

le rent seck fuist rent seruice adeuaunt, cõe en ceſt caſe, ſeignior, meſne, & tenaunt & cheſcun deux tyente dauter per homage & fealtie & x.s. de rent le ſeignior paramont purchaſe les terres ou tenementes de le tenaunt, tout le ſeignory del meſne, forſque pris le rent eſt extinct Et pur ceſt cauſe ceſt rent ẽ deuenus rẽt ſek & le rent ſeruice chaunge, car il ne puit diſtr' pur ceſt rent. Et en ceſt caſe celuy qui damaunde le rent ne ſerra iames charge de monſtre fait. Auxi en briefe de mortdaunce ſter ayell ne beſaile de rent ſeck il ne beſoigne monſtre eſpecialtie pur ẽ que ceſts brieſes de poſſeſſion

rent ſecke was rente ſerſuice beefore, as in this caſe, lord, meſne, and tenaunt, and euerye of the holdethe of other by homage fealtie, and x.s. of rent, the lorde paramoũt purchaſeth the landes or tenementes of the tenaunt, al the ſeignioꝛye of the meſne but the rent is extincte. And for thys cauſe this rent is beecome rent ſecke, and the rent ſeruice changed, for he may not diſtraine for this rente, & in this caſe he that demaundeth the rent ſhal neuer bee charged to ſhewe a deede.

¶ Alſo in a writte of mordaunceſtoure, aple, or beſaple, of rent ſecke it needeth not to ſhewe a ſpecialtie for that, that theſe writtes of poſſeſſiõ

do

do comprehende a tytle within them selfe that is to say, that ỹ aunceſtoure was leyſed of the same rent and continued hys poſſeſſyon, by cause of which seisin the law supposeth that it is also auerable by the countreye yet looke, for some suppose that it behoueth of neceſſitie to shewe forthe deede for that that rent secke is a thing againste comen right as well as rent charge. But in aſsise of nouell disseisine & in a writte of entre sur disseisin brought of rente secke, it behoueth of neceſſitie to shewe forth a deede for that that rente seck is a thing againste a comen right, except in ỹ case before saide where it was rent seruice before.

comprehendont vne title deins eux meſmes, ceſtassauoir que launc̃ fuit seisi de meſme le rent & continua sa poſſeſſion p cause de quel seisine le ley suppoſe que est, auxy aue rable per pais, tamen quere, car ascune suppoſant que il couient a fine force a mõstrer auaunt fait pur ceo q̃ rent seck ẽ vne choſe enconter comẽ droit auxibiẽ cõe rẽt charg mes en assise de nouel disseisine & en br̃ dentre sur dysseisine porte de rẽt seck il couient de fine forc̃ mõ stre auaunt fait pur c̃ que rent secke est vn choſe enconter comẽ droit sinon en le caſe suisdit ou il fuist rent seruyce adeuant.

Et

Et assise de nouel dis-
seisin, brief dentre sur
cessauit ne conteyg-
nent deins eux nul ti-
tle, mes supposent vn
disseisine estre fait a le
pleintife. Et dentendement le ley la dys-
seisine ne done nul
cause dauerment en-
conter comen droyt,
mes de fine force il
monstre auant especi-
altie.

Suit seruice est a ve-
nir a la court de iii. se
maignes en troys se-
maignes p an entier,
& pour ceo serra hõe
distr' & nyent amer-
cye. Suite real ẽ a ve-
nir a la court del leete
& ẽ nest forsq; deux
foits en an, et pur ceo
home serra amercye
& non pas distrayne.

And assise of nouel dis-
seisine, a writte of Entre
sur cessauit conteygne
within thẽ no tytle, but
suppose a disseisin to bee
dõe to the plaintif. & of ỹ
entendement of the law
the disseisin greueth noe
cause of auerment against
commen right, but of ne-
cessitie it beehouethe to
shewe forth a deede.

Suit seruice is to com
to the court of three we-
kes to three weekes by ỹ
whole yere, and for that
a man shall bee dystrayn-
ned and not amerced.
Suit real is to come to ỹ
court of lete, and that ys
not but two times in the
yeare, and for that a man
shalbee amerced and not
distrained.

Finis.

A
Aiuration Fo. 1
Abatement in terre. 1
Abatement de brieke. 1
Abbe 2
Abridgement de plaint. Fol. 2
Accessory 3
Accompt 3
Actions reals. 4
Actions personels 4
Addicion 4
Administrator 5
Admeasurement de dower 5
Admesuremente de pasture. 6
Age prier 7
Ad quod dampnum 8
Adioynement 8
Amendement 8
Ayde 8
Ayde de roye 9
Ayle 9
Arrest 9
Annuity 10
Appel 10
Assets 11
Assise 11
Assise de darrein presentment. 13
Assise de Mordauncester 13
Attornement 13
Attaint 13
Auncien demesne 14
Audita querela 15
Auerment 15
Auowrye 15
Alien 15
Appropriation. 15
Auowson. 16

B
Barre 16
Battell 16
Bastarde 16
Burglarye 17

C
Capias 18
Champertie 18
Charge 18
Cessauit 18
Challenge 19
Cerciorare 20
Certification 20
Chimin 21
Consuetudinibus & seruitijs 21
Continual claime 22
Conusance 23
Conspiracy 23
Collusion 23
Comen 23
Confirmacion 24
Conterplee 26
Consultacion 26
Contribut facienda 26

Contrait 26
Contra formam feoffamenti. 27
Contra formam collacionis 27
Colinage 28
Couenant 28
Cui in vita 29
Curteſie Dengleſ 29

D

Darrein preſentm̃t 30
Deuiſe 30
Denizen 31
Decies tantum 31
Departer 32
Debt 32
Diem clauſit extremum Fol. 33
Diſclaimer 33
Diſſeiſor 33
Diſcontinuance 33
Diſceipt 35
Demaundant 36
Defendant 36
Diſtreſſe 36
Deodande 39
Dedimus poteſtatē 39
Demurrer 39
Double plee 39
Dower 40
Droit 41
Dures 42
Dum non fuit compos mentis 42
Dum fuit infra etatem. 43

E

Electione firme 43
Eiectment de gard 43
Entre 47
Elegit 47
Entruſion 47
Errour 48
Eſſoine 48
Eſtray 49
Eſcape 50
Eſchete 50
Eſcuage 51
Eſtrepement 51
Etate probanda 52
Executor 52
Exchaunge 53
Excommengement 53
Execucion 54
Extinguiſhement 55
Exigent 56
Ex parte talis 56
Ex graui querela 56

F

Faux impriſonment 56
Faux iudgement 57
Fee ſimple 57
Fealtye 64
Fee taile 59
Felony 65
Feoffement 61

From:
KD313
.R3813
1575
Duodecimo

Petit cape 89
Proces 90
Protection 91
Prohibition 92
Procedendo 92
Premunire 87

M

Quare impedit 93
Quare non admisit 93
Quare incubrauit 94
Quale ius 94
Querentine 94
Quare eiecit 95
Quid iuris clamat 95
Quare intrusit 96
Quod permittat 96
Quo iure 96
Quo minus 96
Quod ei deforceat 97
Quo warranto 97

R

Rationabilibus 97
Redisseisin 97
Release 98
Releefe 98
Remitter 101
Rentes 102
Replication 104
Rejoynder 104
Rescous 105
Receipt 106

S.

Seruice de chiualer 107
Sommons ad warrantizandum 107

T

Taile 107
Treasure 108
Treason 108

V

Viewe 109
Villenage 109
Vtlaica 110
Vtrum 111
Volunte 111
Vtlarie 112
Voucher 114

W

Waste 108
Withernam 111
Wreche 112

¶ Imprinted at London in Fletestrete within Temple Barre at the signe of the Hand and Starre by Rychard Tottyll.

1575.

From:

KD313
.R3813
1575
Duodecimo

Contract 26
Contra formam feoffamenti. 27
Contra formam collacionis 27
Colinage 28
Couenant 28
Cui in vita 29
Curteſie Dengleſ 29

D

Darrein preſentm̃t 30
Deuiſe 30
Denizen 31
Decies tantum 31
Departer 32
Debt 32
Diem clauſit extremum Fol. 33
Diſclaimer 33
Diſſeiſor 33
Diſcontinuance 33
Diſceipt 35
Demaundant 36
Defendant 36
Diſtreſſe 36
Deodande 39
Dedimus poteſtatē 39
Demurrer 39
Double plee 39
Dower 40
Droit 41
Dures 42
Dum non fuit compos mentis 42
Dum fuit infra etatem. 43

E

Electione firme 43
Eſtadment de garde 43
Entre 47
Elegit 43
Entruſion 47
Errour 48
Eſſoine 48
Eſtray 49
Eſcape 50
Eſchete 50
Eſcuage 51
Eſtrepement 51
Etate probanda 52
Executor 52
Exchaunge 53
Excommengement 53
Execucion 54
Extinguiſhement 55
Exigent 56
Ex parte talis 56
Ex graui querela 56

F

Faux impriſonment 56
Faux iudgement 57
Fee ſimple 57
Fealtye 64
Fee taile 59
Felony 65
Feoffement 61

From:

KD313
.R3813
1575
Duodecimo

Et assise de nouel dis-
seisin, brief dentre sur
cessauit ne conteyg-
nent deins eux nul ti-
tle, mes supposent vn
disseisine estre fait a le
pleintife. Et dentendement le ley la dys-
seisine ne done nul
cause dauerment en-
conter comen droyt,
mes de fine force il
monstre auant especi-
altie.

Suit seruice est a ve-
nir a la court de iii. se
maignes en troys se-
maignes p an entier,
& pour ceo serra hõe
distr' & nyent amer-
cye. Suite real ẽ a ve-
nir a la court del leete
& ẽ nest forsq; deux
foits en an, et pur ceo
home serra amercye
& non pas distrayne.

And assise of nouel dis-
seisine, a writte of Entre
sur cessauit conteygne
within thẽ no tytle, but
suppose a disseisin to bee
dõe to the plaintif. & of ỹ
entendement of the law
the disseisin geeueth noe
cause of auerment against
commen right, but of ne-
cessitie it beehouethe to
shewe forth a deede.

Suit seruice is to come
to the court of three we-
kes to three weekes by ỹ
whole yere, and for that
a man shall bee dystray-
ned and not amerced.
Suit real is to come to ỹ
court of lete, and that ꝛ
not but two times in the
yeare, and for that a man
shalbee amerced and not
distrained.

Finis.

The Table.

Aiuration Fo. 1
Abatement in terre. 1
Abatement de brieue. 1
Abbe 2
Abridgement de plaint. Fol. 2
Accessory 3
Accompt 3
Actions reals. 4
Actions personels 4
Addition 4
Administrator 5
Admeasurement de dower 5
Admesurement de pasture. 6
Age prier 7
Ad quod dampnum 8
Adiornement 8
Amendement 8
Ayde 8
Ayde de roye 9
Ayle 9
Arrest 9
Annuity 10
Appel 10
Assets 11
Assise 11
Assise de darrein presentment. 13
Assise de Mordauncester 13
Attornement 13
Attaint 13
Auncien demesne 14
Audita querela 15
Auerment 15
Auowrye 15
Alien 15
Appropriation. 15
Aduowson. 16

B

Barre 16
Battell 16
Bastarde 16
Burglarye 17

C

Capias 18
Champertie 18
Charge 18
Cessauit 18
Challenge 19
Certiorare 20
Certification 20
Chimin 21
Consuetudinibus & seruitijs 21
Continual claime 22
Conusance 23
Conspiracy 23
Collusion 23
Comen 23
Confirmacion 24
Conterplee 26
Consultacion 26
Contribut faciēda 26

Con-

Fee farme 61
Fieri facias 65
Franke mariage 62
Franke almoigne 62
Formedon 64
Forgerge de faux faytes
Fol. 69

G

Garde 67
Garrauntye des char-
ters. 68
Garrantye 68
Gager de delyueraunce
Fol. 70
Garnishment 71
Graund cape 71
Graund sericantie 71

H

Habere facias seisinam.
Fol. 93
Homage auncestrel 73
Homage 74

I

Joyntenauntes 75
Indicauit 76
Idemptitate nominis.
Fol. 77

L

Ley 77
Leases 78
Libertate probanda 78

M

Mainprise 78
Maintenaunce 79
Meine 79
Monstrauerunt 79
Morgage 80
Mordauncester 81
Mortmains 81
Moderata miserordia.
Fol. 82

N

Nativo habendo 82
Nisi prius 83
Nonabilitie 83
Nusance 83
Nuper obijt 84
Ne iniuste vexes 84
Ne admittas 84

O

Oyer & termyner 85

P

Parceners 85
Perambulatione faciendа. 89
Per que seruicia 87
Post disseisin 87
Prescription 87
Presentment 87
Precipe in capite 88

The Table

Restored By
Geo. Schmidbauer

LAWES
OF
ENGLANDE

1575

LAWES
OF
ENGLANDE

1575